

Royal Decree

Prescribing the Rules and Procedures of
the Public Sector's Electronic Transactions

B.E. 2549

BHUMIBOL ADULYADEJ, REX.

Given on the 26th Day of November B.E. 2549;

Being the 61st Year of the Present Reign.

His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim that:

Whereas it is expedient to prescribe the Rules and Procedures for the public sector's electronic transactions.

By virtue of Section 16 of the Constitution of the Kingdom of Thailand (Temporary Charter) B.E. 2549, and Section 35, paragraph one, of the Electronic Transactions Act B.E. 2544, His Majesty the King hereby enacts this Royal Decree as follows:

Section 1 This Royal Decree is called the "Royal Decree Prescribing the Rules and Procedures of the Public Sector's Electronic Transactions B.E. 2549."

Section 2 This Royal Decree shall come into force on and from the date of its publication in the Government Gazette.

Section 3 In performing the public sector's electronic transactions, state agencies shall provide a documentation system in data message format with the following characteristics:

(1) Documentation made in data message format shall be in an appropriate format, which can be shown or referenced in the future, and must maintain the integrity of the information in data message format.

(2) The start and end time for submission of documentation in data message format must be specified. The working hours and days of a state agency usually follows, and may also specify a time period required to be considered by a state agency through electronic procedure, unless the law prescribes otherwise.

(3) The procedure for identifying the owner of the signature, and the category, identity or format of the electronic signature must be specified and show that the signatory confirms the information in the data message.

(4) Return receipt notice procedure, by electronic means or any other means, must be specified to evidence that an electronic procedure to the other party has been performed.

Section 4 In addition to the provision of Section 3, in the event that a state agency conducts administrative proceedings by electronic means, the documentation system in the data message format shall contain the following characteristics, unless the law prescribes otherwise:

(1) Communication procedure with the applicant in case the documentation has any discrepancies, or contains mistaken information which has clearly been caused by the ignorance or carelessness of the applicant must be established; and also contain the communication procedure for an inquiry of additional facts, including the procedure for the rights and duties notice in the administrative proceedings, as necessary for the case, in case the law prescribes a party notice requirement.

(2) In case of necessity due to the specific characteristics of the electronic transactions of a public sector, the relevant state agency may specify a condition that the party consents and accepts the state agency's administrative proceedings conducted via electronic procedure.

Section 5 State agencies shall provide the Policy and Practice Statement for the information security maintenance, to ensure security and reliability of any action performed via electronic procedure with a state agency, or by a state agency itself.

The Policy and Practice Statement shall comprise of at least the following content:

(1) Access or control of the use of information.

(2) Provision of an information system and a back-up information system in a readily available condition, and the creation of a contingency plan in case of an

inability to carry out electronic procedures, thus to ensure the continuous use of information.

(3) Frequent audit and assessment of informational risk.

Section 6 In case of a collection, archive, use or dissemination of data or facts which enable the identification of a person, whether directly or indirectly, state agencies shall provide a Policy and Practice Statement regarding the protection of personal data.

Section 7 The Policy and Practice Statement, pursuant to Section 5 and Section 6, to be announced by a state agency is required to be approved by the Commission or a delegated agency of the Commission in order for the Policy and Practice Statement to become effective.

State agencies shall comply with the published Policy and Practice Statement and provide frequent compliance audits of the Policy and Practice Statement.

Section 8 The Commission or delegated agency of the Commission shall create the Policy and Practice Statement, or other act, in relation to the action under this Royal Decree, as a preliminary example of a state agency's action under this Royal Decree. If any state agency performs its work under the law that is different due to the specificity, such state agency may add details of its work which is different by way of issuance of a regulation, which must take into consideration the integrity, reliability, availability and security of the system and data message.

Section 9 The public sector's performance of electronic transactions, according to the rules and procedures prescribed in this Royal Decree, shall not have an effect of exemption of the law or the rules and procedures which the law in such matter has prescribed for permission, authorisation, approval or decision.

Section 10 The Prime Minister shall have charge and control of the execution of this Royal Decree.

Countersigned

General Surayud Chulanont

Prime Minister

Remarks: The reasons for issuing this Royal Decree is that Thailand has begun its entrance into the information society, which means there are increased electronic transactions in the public sector. Therefore, it is appropriate to support state agencies to have their own services system by way of information technology applications, thus ensuring that services to the people are comprehensive, convenient and prompt. This enhances the efficiency and effectiveness of a state agency and allows it to develop electronic transactions in the public sector in accordance and in unison with the generally accepted standard. Also, it creates confidence amongst the people with regard to government actions in electronic procedures. Moreover, Section 35, paragraph one, of the Electronic Transactions Act B.E. 2544 prescribes that an application, permission, registration, administrative order, payment, notification or any legal action taken against or by a state agency shall, if made in data message format in accordance with the rules and procedures prescribed by the Royal Decree, be governed by this Act and shall have the same legal effect as those undertaken in accordance with the rules and procedures provided by the law governing such particular matter. Therefore, enactment of this Royal Decree is necessary.