

Notification of the Ministry of Information and Communication Technology

Re: Rules for Maintenance of Traffic Data by Service Provider

B.E. 2550 (2007)¹

At the present, communication through computer systems or electronic systems gradually plays an important role in the economic system and quality of life of people. As such communication has risen, there is also a tendency for the computer-related crime to be expanded and severely intensified. In such regard, the traffic data is deemed to be important evidence for the prosecution; it is beneficial for the purpose of making the inquiry, and performing the investigation to find and penalise the offender. Therefore, it is expedient to stipulate that a service provider has the duty to maintain such traffic data.

By virtue of Section 26, Paragraph 3 of the Computer-Related Crime Act B.E. 2550 (2007), the Minister of Information and Communication Technology has prescribed the rules as follows:

Clause 1 This Notification is called “Rules for Maintenance of Traffic Data by Service Provider B.E. 2550 (2007)”

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

Clause 3 The Minister of Information and Communication Technology shall have charge and control of the execution of this Notification.

Clause 4 In this Notification:

“service provider” means:

(1) A person who, either in his/her own name, or in the name or for the benefit of another person, provides to other persons access to the internet or the ability to communicate by other means through a computer system.

(2) A person who stores computer data for the benefit of other persons.

“traffic data” means any data relating to communication by means of a computer system, indicating the communication’s origin, destination, route, time, date, size,

¹ Government Gazette, Volume 124 / Special Part 102 Ngor / Pages 5-8 / 23 August B.E. 2550 (A.D.2007).

duration, type of underlying service, or other information relating to communication of such a computer system.

“computer system” means any device or a group of interconnected or related devices, one or more of which pursuant to a program or instruction or anything else, performs automatic processing of data.

“user” means a person who uses the service of the service provider regardless of whether with or without pay.

Clause 5 Subject to Section 26 of the Computer-Related Crime Act B.E. 2550 (2007), the type of service providers with the duty to maintain traffic data are classified as follows:

(1) A service provider who, either in its own name, or in the name or for the benefit of another person, provides to the general public access to the internet or the ability to communicate by other means through a computer system, which can be classified into 4 types as follows:

a. Telecommunications and Broadcasting Carrier comprise of the service providers as shown in Appendix A attached to this Notification.

b. Access Service Provider comprises of the service providers as shown in Appendix A attached to this Notification.

c. Host Service Provider comprises of service providers as shown in Appendix A attached to this Notification.

d. Internet Cafe Service Provider as shown in Appendix A attached to this Notification.

(2) A service provider of data storage as a service for the benefit of persons in (1) (Content Service Provider), such as Application Service Provider, comprises of service providers as shown in Appendix A attached to this Notification.

Clause 6 Traffic data that the service provider is subject to maintain are as shown in Appendix B attached to this Notification.

Clause 7 A service provider has the duty to maintain traffic data as follows:

(1) A service provider under Clause 5 (1) a. has the duty to maintain traffic data as shown in Appendix B.1.

(2) A service provider under Clause 5(1) b. has the duty to maintain traffic data as shown in Appendix B.2 according to the type of data, particular and extent of services provided.

(3) A service provider under Clause 5(1) c. has the duty to maintain traffic data as shown in Appendix B.2 according to the type data, particular and extent of services provided.

(4) A service provider under Clause 5(1) d. has the duty to maintain traffic data as shown in Appendix B.3.

(5) A service provider under Clause 5(2) has the duty to maintain traffic data as shown in Appendix B. 4.

In performing the traffic data maintenance under the respective appendices stated above, a service provider shall keep only the traffic data which arises in connection with its own service.

Clause 8 In storing the computer traffic data, a service provider must implement the following secure and safe methods:

(1) Data storage shall be kept in media that can preserve the integrity and identify the identification of person who accesses such media.

(2) Having a data security system to protect confidentiality of the stored data and determination of a particular degree of confidentiality for which only authorised access is allowed, in order to maintain data reliability and to prevent both the system controller and administrator editing the stored data. For example, storage in the Centralised Log Server, or performing a Data Archiving or Data Hashing, except for individuals with relevant duties or those authorised to access such data by the owner or the management of the organisation, such as an IT auditor or entrusted person, including the competent official under this Act.

(3) Having a specific person to co-ordinate and provide the data to the competent official appointed under the Computer-Related Crime Act B.E. 2550 (2007) for the rapidity of data transmission.

(4) In storing the traffic data, identification and authentication of each respective individual user must be clearly identifiable, such as the characteristics of service usage, proxy server, network address translation (NAT), proxy cache, cache engine, free internet service, 1222 service or Wi-Fi Hotspot service. The identification of each individual user shall be really ascertainable.

(5) In case that any service providers under type 1 to type 4 stated above provides services in its own name but such service provided is operated by using a system of another service provider who is a third party, as a result, such service providers under type 1 to 4 is unable to identify the user who accesses the system; such service provider must implement in its system a method for clearly ascertaining the identification and authentication of the user who accesses through its service.

Clause 9 In order that the traffic data be precise and utilisable, all clocks for all equipment used in service shall be set to be the same with the universal time standard (Stratum 0); the room for error shall not exceed 10 milliseconds.

Clause 10 A service provider, who has the duty to maintain the traffic data in accordance with Clause 7, shall start maintaining such data consecutively, as follows:

(1) A service provider under Clause 5(1) a. shall start maintaining traffic data after the expiration of thirty days from the date of publication in the Government Gazette.

(2) A service provider under Clause 5(1) b., specifically the public network service provider or internet service provider (ISP), shall start maintaining traffic data after the expiration of one hundred and eighty days from the date of publication in the Government Gazette.

A service provider other than those stated in Clause 10(1) and Clause 10(2) shall begin to maintain traffic data after the expiration of one year from the date of publication in the Government Gazette.

Announced on the 21st day of August B.E. 2550 (2007)

Sitthichai Pokai-udom

Minister of Information and Communication Technology

Appendix A

Attached to the Notification of the Ministry of Information and Communication Technology

Re: Rules for Maintenance of Traffic Data by Service Provider

B.E. 2550 (2007)

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1. A service provider who, either in its own name or in the name or for the benefit of another person, provides to the general public access to the internet or the ability to communicate by other means through a computer system according to Clause 5(1), which are classified into 4 types as follows:

Type	Sample of Service Provider
a. Telecommunications and Broadcasting Carrier	1) Fixed Line Service Provider 2) Mobile Service Provider 3) Leased Circuit Service Provider, such as Leased Line Service Provider, Fiber Optic Leased Line Service Provider, ADSL(Asymmetric Digital Subscriber Line) Service Provider, Frame Relay Service Provider, ATM(Asynchronous Transfer Mode) Service Provider, MPLS (Multi-Protocol Label Switching) Service Provider etc., with the exception of a service provider who provides only physical media or cabling (such as Dark Fiber Service Provider, Fiber Optic Service Provider without internet signal or IP Traffic) 4) Satellite Service Provider

Type	Sample of Service Provider
b. Access Service Provider	<ol style="list-style-type: none"> 1) Internet Service Provider; both wired and wireless. 2) An operator who provides the user with access to a computer network system, in a room, rented room, hotel or restaurant and beverages shop, in either one of each group. 3) Access Service Provider who provides the access to a computer network system for an organisation, such as a state agency, company or educational institutions.
c. Hosting Service Provider	<ol style="list-style-type: none"> 1) Web Hosting Service Provider, Web Server Service Provider 2) File Server or File Sharing Service Provider 3) Mail Server Service Provider 4) Internet Data Centre Service Provider
d. Internet cafe service provider	<ol style="list-style-type: none"> 1) Internet Cafe Service Provider 2) Online Game Service Provider

2. A service provider of data storage, as a service for the benefit of persons according to Clause 5(2), comprises of service providers as shown in Appendix A attached to this Notification.

Type	Sample of Service Provider
Content and Application Service Provider	<ol style="list-style-type: none">1) Web board Service Provider or Blog Service Provider2) Internet Banking Service Provider and Electronic Payment Service Provider3) Web Services Service Provider4) E-Commerce Service Provider or E-Transactions Service Provider

Appendix B

Attached to the Notification of the Ministry of Information and Communication Technology
 Re: Rules for Maintenance of Traffic Data by Service Provider
 B.E. 2550 (2007)

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1. Traffic Data which a service provider under Clause 5(1) a. of the Notification shall have the duty to maintain are as follows:

Type	Particulars
a. Data which enables the service provider to identify and follow the origin, source, destination and communication path of the computer system.	<ul style="list-style-type: none"> - Data of Fixed Network Telephony, Mobile Telephony system and Private Automatic Branch Exchange Telephony system. - Telephone number or circuit number, including any other additional services such as call forwarding service and the forwarded telephone number; including the telephone number which is called from a forwarded telephone number. - Name and Address of the Subscriber or Registered User. - Data concerning date and time of the Initial Activation of the Service, and the Location Label (Cell ID),
b. Data which enables the service provider to identify the date, time and duration of communications of the computer system.	Fixed Network Telephony and Mobile Telephony; including the date and time of the start and end of the communication.
c. Data which enables the service provider to identify the location of mobile phone usage or mobile communication equipment.	<ol style="list-style-type: none"> 1) Label location in connecting Cell ID at the start site. 2) The data identifying the physical location of the mobile phone, which is connected to data concerning Cell ID location during communication, is transmitted. 3. To provide a systematic service for user's authentication.

2. Traffic Data which a service provider under Clause 5(1) b. to c. of the Notification shall have a duty to maintain and store are as follows:

Type	Particulars
<p>a. Internet data derived from the access to a network system</p>	<p>1) Access logs specific to authentication and authorisation servers, such as TACACS (Terminal Access Controller Access-Control System), RADIUS (Remote Authentication Dial-In User Service) or DIAMETER (Used to control access to IP routers or network access servers)</p>
	<p>2) Date and time of connection of client to server</p>
	<p>3) User's name which identifies User ID</p>
	<p>4) Assigned IP Address assigned by service provider's system</p>
	<p>5) Calling Line Identification</p>
<p>b. Internet data on e-mail servers of service provider</p>	<p>1) Access Log to the e-mail servers (Simple Mail Transfer Protocol: SMTP Log), which includes:</p> <ul style="list-style-type: none"> - Message ID - Sender E-mail Address - Receiver E-mail Address - Status indicator, such as successfully sent e-mail, returned e-mail, delayed e-mail etc.
	<p>2) IP address of client connected to server</p>
	<p>3) Date and time of connection of client connected to server</p>
	<p>4) IP address of sending computer which is connecting to the server at that moment</p>
	<p>5) User ID (If any)</p>
	<p>6) Access log to e-mail through processing program from member's device or the access log for transmitting e-mail to member's device where the email access log still also stores at the device used for the provision of service. (POP3 Log: Post Office Protocol version3 Log or IMAP4 Log: Internet Message Access .Protocol Version 4 Log)</p>

Type	Particulars
c. Internet data from file transferring on device to file transfer service	1) Access log to file transfer service device
	2) Date and time of connection of client to server
	3) IP address of the access user computer which is connected at that moment
	4) User ID (If any)
	5) Path and file name of the data object uploaded or downloaded
d. Internet data on web service provider's machine	1) Access log to web service provider's device
	2) Date and time of connection of client to server
	3) IP source address
	4) Data of system information utility command.
	5) Data indicating browsing path (URI: Uniform Resource Identifier), such as location of webpage
e. Types of data on large computer network (Usenet)	1) Access log to network (NNTP Log: Network News Transfer Protocol Log)
	2) Date and time of connection of client to server
	3) Port ID utility number (Protocol Process ID)
	4) Host name
	5) Posted Message ID
f. Data derived from interaction on internet, such as Internet Relay Chat (IRC) or Instance Messaging (IM)	Log data, such as date and time of connection of client to server and the Hostname and IP Address of the service provider's device connected at the moment (Hostname and IP address).

3. Traffic Data which a service provider under Clause 5(1) d. of the Notification shall have the duty to store are as follows:

Type	Particulars
a. Internet cafe service provider	1) Identification data 2) Start access time and end time 3) IP address of device (Internet Protocol address)

4. Traffic Data which a service provider under Clause 5(2) of the Notification shall have the duty to maintain are as follows:

Type	Particulars
b. Internet data on content storage service provider's devices	1) User name, User Authentication data or User ID number of seller of goods or service; or User ID number and user e-mail address. 2) Service usage access log. 3) In case of a web board service provider or a blog service provider, data of the posting person shall be kept.