

**Notification of the Ministry of Digital Economy and Society**  
**Re: Appointment of Computer Data Review Committee**  
**under the Computer-Related Crime Act B.E. 2550 (2007)**  
**B.E.2560 (2017)<sup>1</sup>**

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Whereas, it is expedient to establish the Computer Data Review Committee to perform the duty of reviewing computer data, which in its character is contrary to public order or good morals of the people; that is broadcast through a computer system or other systems.

By virtue of Section 4 in conjunction with Section 20, Paragraph three of the Computer-Related Crime Act B.E. 2550 (2007) as amended by the Computer-Related Crime Act (No.2) B.E. 2560 (2017), the Minister of Digital Economy and Society announced the appointment of the Computer Data Review Committee Appointment as follows:

**Clause 1** This notification is called “Notification of the Ministry of Digital Economy and Society re. Appointment of Computer Data Review Committee under the Computer-Related Crime Act B.E. 2550 (2007), B.E. 2560 (2017)”

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

**Clause 3** In this Notification:

“**competent official**” means a person appointed by the Minister of Digital Economy and Society for the execution of the law governing computer-related crime.

“**Computer Data Review Committee**” means the Computer Data Review Committee and the Specialist Computer Data Review Committee under Section 20 of the Computer-Related Crime Act B.E. 2550 (2007) and its amendment.

“**Minister**” means the Minister of Digital Economy and Society.

**Chapter 1**  
**The Computer Data Review Committee**

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<sup>1</sup> Government Gazette, Volume 134 / Special Part 188 Ngor / Pages 16-20 / 22 July B.E. 2560 (2017).

**Clause 4** There shall be a Computer Data Review Committee consisting of:

(1) The Permanent Secretary of the Ministry of Digital Economy and Society as the Chairperson;

(2) Seven members appointed by the Minister from the following qualified persons in various fields of relevant specialty, as follows:

- (a) Human Rights;
- (b) Mass Communication;
- (c) Law;
- (d) Culture;
- (e) Computer;
- (f) Information Technology;
- (g) Electronic Commerce.

The qualified members under Paragraph 1(2) above must be obtained from the private sector in the ratio of at least three qualified members.

The Director of the Legal Division of the Office of the Permanent Secretary of the Ministry of Digital Economy and Society shall be a member and secretary, and the legal division of the Office of Permanent Secretary of the Ministry of Digital Economy and Society shall be the secretariat office.

The secretary shall appoint an assistant secretary as it deems necessary.

The criteria and procedures for selecting nominated persons, in order to be appointed by the Minister as the qualified members of the Computer Data Review Committee includes selecting a qualified member to fill the vacancy in place of the member who vacates before his/her term is expired according to Paragraph 1(2) above, shall be in accordance with the regulation announced by the Minister.

**Clause 5** A qualified member must possess the following qualifications and must not be under the following prohibitions:

(1) Qualifications:

- (a) being of Thai nationality by birth;
- (b) being not less than 35 but not more than 70 years of age;

(2) Prohibitions:

- (a) not being a person of unsounded mind or mental infirmity;
- (b) not being addicted to narcotics;
- (c) not being bankrupt or having been declared a dishonest bankrupt;

(d) not being a person who is sentenced by a judgement of imprisonment and detained by a warrant of a court;

(e) never having been convicted by a final judgement for committing any offence except for an offence committed through negligence, a petty offence or defamation;

(f) never having been expelled, dismissed or discharged from the official service, a State agency, a State enterprise or a private organisation on the grounds of dishonest performance of duties or gross misconduct, or deemed as having committed dishonest acts and malfeasance in official service;

(g) not carrying on any occupation or independent profession with a conflict of interest, whether directly or indirectly, with the performance of any member's duty;

(h) not having any other prohibitions as prescribed by the Minister.

**Clause 6** A qualified member shall hold office for a term of two years.

A member who vacates office at the expiration of the term may be reappointed, but may not serve for more than two consecutive terms.

**Clause 7** In addition to vacating office at the expiration of the term as stated under Clause 6, a qualified member vacates office upon the following:

(1) death;

(2) resignation;

(3) being removed by the Minister on the grounds of misbehaviour, neglect of duties, dishonest performance of duties or lack of competence;

(4) being an incompetent person or a quasi-incompetent person;

(5) having been imprisoned by a final judgement except for an offence committed through negligence or a petty offence.

**Clause 8** In the event that a qualified member vacates office in accordance with Clause 7, the Computer Data Review Committee shall be deemed to consist of the remaining members, and the new member to fill the vacancy shall be appointed within sixty days as from the date on which the member vacates the office.

The member appointed to fill the vacancy shall hold office for the remaining term of the vacated member.

**Clause 9** At a meeting of the a committee, the presence of not less than one-half of the total number of members is required in order to constitute a quorum, and the provisions governing the committee - which is empowered to proceed with the administrative procedures under the law governing administrative procedures - shall by implication be applied to a meeting of the Computer Data Review Committee.

**Clause 10** The Computer Data Review Committee shall have the powers and duties as follows:

(1) to propose to the Minister the policy, plan and strategy relating to computer data scrutiny, with a view to prevent and suppress the broadcast of computer data which in its character is contrary to public order or good morals of the people.

(2) to arrange for a directory register that monitors, collects and follows-up on decisive orders and the court's decisions; to be used as the guideline for improving characteristics of computer data which in its character may be contrary to public order or good morals of the people.

(3) to appoint a working group to assist the Computer Data Review Committee in reviewing the computer data which in its character is contrary to public order or the good morals of the people-, and that has been disseminated through a computer system or other systems.

(4) to prescribe the guideline and characteristics of computer data which in its character may be contrary to public order or good morals of the people.

(5) to examine, follow up and scrutinise computer data which in its character is contrary to public order or good morals of the people, and that has been disseminated through a computer system or other systems.

(6) to collect evidence indicating the dissemination of computer data which in its character is contrary to public order or good morals of the people, and that has been disseminated through a computer system or other systems.

(7) to entrust and coordinate with a competent official in order to submit the petition with evidence to the court having jurisdiction - requesting for an order to block the dissemination or to delete computer data which in its character is contrary to public order or good morals of the people.

(8) to entrust the competent official to perform any act necessary for blocking the dissemination or deleting any computer data which in its character is contrary to public order or good morals of the people.

(9) to perform any other activities as provided under the law as the power and duty of the committee or as entrusted by the Minister.

## **Chapter 2**

### **Specialist Computer Data Review Committee**

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**Clause 11** The Minister may appoint one or several specialist computer data review committees; each of which shall consist of the following:

(1) A person entrusted by the Permanent Secretary of the Ministry of Digital Economy and Society as chairperson;

(2) Seven members appointed by the Minister from the qualified persons in various fields of relevant specialty, as follows:

- (a) Human Rights;
- (b) Mass Communication;
- (c) Law;
- (d) Culture;
- (e) Computers or Information Technology;
- (f) Electronic Commerce;
- (g) Other relevant fields.

A qualified member under Paragraph 1(2) above must be obtained from the private sector in the ratio of at least three qualified members.

The Director of the Legal Division of the Office of the Permanent Secretary of the Ministry of Digital Economy and Society shall be a member and secretary, and the Legal Division of the Office of the Permanent Secretary of the Ministry of Digital Economy and Society shall be the secretariat office.

A secretary shall appoint an assistant secretary as it deems necessary.

The criteria and procedures for selecting nominated persons, in order to be appointed by the Minister as the qualified members in the Specialist Computer Data Review Committee, including the selection of qualified member to fill the vacancy in place of the member who vacates before the term is expired according to Paragraph 1(2) above, shall be in accordance with the regulation announced by the Minister.

The provisions of Clause 5, Clause 6, Clause 7, Clause 8 and Clause 9 of this Notification shall by implication apply to the Specialist Computer Data Review Committee.

**Clause 12** The Specialist Computer Data Review Committee shall have the power and duty in accordance with Clause 10 (3) (4) (5) (6) (7) (8) and (9) of this Notification.

### **Chapter 3**

#### **Criteria and process of consideration of the committee**

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**Clause 13** When there is a reasonable suspicion or a complaint suggesting that there is a dissemination of a computer data which in its character is contrary to public order or good morals of the people through the computer system or any other system; the Computer Data Review Committee shall consider and examine such computer data with a view to reach a conclusion of whether or not such computer data has the characteristic which is contrary to public order or good morals of the people , and whether or not the competent official should submit a petition with evidence to the court having jurisdiction in order to request for an order to block the dissemination, or delete such computer data from the computer system.

In considering and examining the computer data as stated under paragraph 1 above, the Computer Data Review Committee shall proceed in accordance with the guideline and characteristics of computer data which in its character may be contrary to public order or good morals of the people , as prescribed in accordance with Clause 10(4), and its opinion shall be given by significantly adhering to the rulings from previous Supreme Court judgements together with the context of Thai society.

The Computer Data Review Committee shall complete its consideration of the complaint without delay, provided it does not exceed ninety days from the date on which the complaint is received.

### **Chapter 4**

#### **Miscellaneous**

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**Clause 14** The Computer Data Review Committee and the Specialist Computer Data Review Committee shall be entitled to receive the remuneration in accordance with the criteria prescribed by the Minister and approved by the Ministry of Finance.

**Clause 15** The Permanent Secretary shall have charge and control of the execution of this Notification, and shall have the power to interpret and to make a decision on any issue arising from the execution of this Notification.

Given on the 21<sup>st</sup> of July B.E. 2560 (2017)

Pichet Durongkaverroj

Minister of Digital Economy and Society