

– Unofficial Translation –

Rules of the Ministry of Digital Economy and Society
Concerning Criteria and Procedures for Nominating the Qualified Members of
the Computer Data Review Committee
B.E. 2561(2018) ¹

Whereas, it is expedient to prescribe the criteria and procedures for selecting the persons to be nominated for the appointment by the Minister of Digital Economy and Society as the qualified members of the Computer Data Review Committee, and for selecting the qualified member to fill the vacancy in place of the member who vacates office before his/her term is expired.

By virtue of Section 4, 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), in conjunction with Clause 4, last paragraph of the Notification of the Ministry of Digital Economy and Society Re: the Appointment of the Computer Data Review Committee under the Computer-Related Crime Act B.E. 2550 (2007), B.E. 2560 (2017), the Minister of Digital Economy and Society prescribed the rules as follows:

Clause 1 These Rules are called the “Rules of the Ministry of Digital Economy and Society concerning the Criteria and Procedures for Nominating the Qualified Members of the Computer Data Review Committee B.E. 2561(2018)”

Clause 2 These Rules shall come into force on the day directly following the date of its publication in the Government Gazette.

Clause 3 In these Rules:

“**qualified member**” means a person who is a qualified member of the Computer Data Review Committee.

“**nomination committee**” means the committee for nominating the qualified members of the Computer Data Review Committee.

“**nomination committee member**” means a member of the nomination committee for nominating the qualified members of the Computer Data Review Committee.

¹ Government Gazette, Volume 135, Special Part 42 Ngor., pages 4-6, 26 February 2561 (2018)

Clause 4 When a nomination of a qualified member is required, the Permanent Secretary of the Ministry of Digital Economy and Society shall appoint a nomination committee, consisting of a chairperson and not less than five but not more than seven nomination members, from persons possessing the requisite knowledge, skills and experience in the fields of information technology and communications, computers, electronic commerce, laws, prevention and suppression of crime relating to information technology and communications, telecommunications and satellite communications, as well as other relevant fields which are beneficial to the operation of the Computer Data Review Committee.

The Director of Legal Division, Office of Permanent Secretary of the Ministry of Digital Economy and Society, shall be a nomination committee member and secretary, and shall appoint an assistant secretary if necessary.

Clause 5 The chairperson and the nomination committee members must possess the following qualifications and must not be under the following prohibitions:

(1) Qualifications:

- (a) being of Thai nationality;
- (b) being not less than 40 years of age;

(2) Prohibitions:

- (a) having been declared bankrupt or having been a dishonest bankrupt;
- (b) being an incompetent person or a quasi-incompetent person;
- (c) having been imprisoned by a final judgement except for an offence committed through negligence or a petty offence;
- (d) having been suspended or temporarily expelled from public official service, temporarily suspended, terminated, dismissed or terminated from a job, or discharged from public official service, a state agency or the private sector on the grounds of dishonest performance of duties or gross misconduct;
- (e) being a holder of a political position, a member of local assembly or local administrator, or holder of another position wherein he/she is responsible for the administration of a political party, a consultant of a political party or an officer of political party.

Clause 6 The nomination committee shall have the power and duties to nominate the qualified members in accordance with the following criteria and procedures:

(1) the nomination committee shall specify the field of qualifications; which shall consist of human rights, mass communications, laws, culture, computers, information technology, electronic commerce or other relevant fields which are beneficial to the operation of the Computer Data Review Committee; as well as the number of committee members to be nominated in each field.

(2) the nomination committee members shall nominate the names of persons possessing the requisite knowledge, skills and capability in the fields of human rights, mass communications, laws, culture, computers, information technology, electronic commerce, as well as other relevant fields which are beneficial for the operation of the Computer Data Review Committee.

(3) not to nominate the names of the nomination committee members for appointment as the qualified members.

(4) before the nomination consideration, the secretary of the nomination committee shall collect the name lists, as well as examine the qualifications and prohibitions, including background profiles and achievements of the nominated persons and propose to the nomination committee for consideration.

(5) the nomination committee shall proceed to select the nominated persons to remain at the double number of the required members in each field as stated in (1), as well as to summarise the result of selection, including the background profiles and achievements of the nominated persons; and shall then propose to the consideration of the Permanent Secretary of the Ministry of Digital Economy and Society.

(6) the Permanent Secretary of the Ministry of Digital Economy and Society shall propose the name lists to the Minister of Digital Economy and Society - for selection from the lists of the nominated persons shortlisted from (5) above - in the number, for each field, as specified in (1) above, and shall appoint them to be the qualified members.

(7) the nomination committee shall have the authority to proceed with any other activities, provided that they are relevant to the nomination and to the extent necessary, and do not oppose or contradict to the criteria and procedures under these Rules.

In case that the Minister of Digital Economy and Society disagrees with the proposed name lists of qualified persons whether in whole or in part; the nomination committee shall proceed with the re-nomination and proposal of the new qualified persons so that the legally required number of qualified members is completely filled without delay.

Clause 7 At a meeting of the nomination committee, the presence of not less than one-half of nomination committee members is required in order to constitute a quorum. In case that the chairperson of the nomination committee does not attend or is unable to perform his/her duties, the nomination committee members present shall elect one of themselves to preside over and act as the chairperson of the meeting. A decision of the meeting shall be made by a majority of votes. Each nomination committee member shall have one vote.

In case of an equality of votes, the chairperson of the meeting shall have an additional vote as the casting vote.

Clause 8 When the Minister of Digital Economy and Society appoints the qualified members in the required amount prescribed by Section 20, Paragraph three of the Computer-Related Crime Act B.E. 2550 (2007) and its amendment, the term of the nomination committee shall be terminated.

Clause 9 When the term of the nomination committee is terminated and there is a circumstance that requires the nomination of a qualified member, the procedure as stated under Clause 4 shall be commenced not less than sixty days prior to the expiration of the term of the existing qualified members, or within sixty days from the date on which the qualified member vacates office before his/her term is expired.

Clause 10 The Permanent Secretary of the Ministry of Digital Economy and Society shall have charge and control of the execution of these Rules, as well as have the power to interpret and decide any issue arising from the execution of these Rules.

Announced on the 17th day of January B.E. 2561(2018)

Pichet Durongkaverroj

Minister of Digital Economy and Society