

ELECTRONIC TRANSACTIONS ACT (No. 4),
B.E. 2562 (2019)

HIS MAJESTY KING MAHA VAJIRALONGKORN PHRA VAJIRAKLAOCHAOUHUA;

Given on the 19th Day of May B.E. 2562;

Being the 4th Year of the Present Reign.

His Majesty King Maha Vajiralongkorn Phra Vajiraklaochaoyuhua is graciously pleased to proclaim that:

Whereas it is expedient to amend the law on electronic transactions;

Whereas this Act contains certain provisions in relation to the restriction of rights and liberties of persons, in respect of which section 26 in conjunction with section 40 of the Constitution of the Kingdom of Thailand so permits by virtue of provisions of law;

Whereas the reasons and need for the restriction of rights and liberties of persons under this Act lie in regulating digital identification and authentication to ensure reliability and safety, thereby benefiting national economy and consumer protection, and, in this regard, the enactment of this Act duly complies with the conditions provided in section 26 of the Constitution of the Kingdom of Thailand;

Be it, therefore, enacted by the King, by and with the advice and consent of the National Legislative Assembly serving as the National Assembly, as follows.

Section 1. This Act is called the “Electronic Transactions Act (No. 4), B.E. 2562 (2019)”.

* Translation by Associate Professor Dr. Pinai Nanakorn under contract for the Office of the Council of State of Thailand. – Tentative Version – subject to final authorisation by the Office of the Council of State.

Section 2.¹ This Act shall come into force as from the day following the date of its publication in the Government Gazette.

Section 3. There shall be added definitions of “identification and authentication” and “digital identification and authentication system” between the definitions of “information system” and “automated electronic message system” in section 4 of the Electronic Transactions Act, B.E. 2544 (2001) as amended by the Electronic Transactions Act (No. 3), B.E. 2562 (2019):

““identification and authentication” means a process for identification and authentication of a person;

“digital identification and authentication system” means an electronic network linking information between any persons or State agencies for the purpose of the identification and authentication and the conclusion of other transactions incidental to the identification and authentication.”

Section 4. The provisions of section 6 of the Electronic Transactions Act, B.E. 2544 (2001) shall be repealed and replaced by the following:

“**Section 6.** The Minister of Digital Economy and Society shall have charge and control of the execution of this Act.”

Section 5. The following provisions shall be added as Chapter III/I, Digital Identification and Authentication Systems, section 34/3 and section 34/4, of the Electronic Transactions Act, B.E. 2544 (2001):

“CHAPTER III/I

DIGITAL IDENTIFICATION AND AUTHENTICATION SYSTEMS

Section 34/3. Identification and authentication of persons may be carried out through a digital identification and authentication system.

Any person intending to rely on identification and authentication of other persons through a digital identification and authentication system may give such other persons prior notification of conditions as regards the reliability of the digital identification and authentication intended to be used and, when the digital identification and authentication has been carried out

¹ Published in Government Gazette, Vol. 136, Part 67a, dated 22nd May 2019.

in accordance with such conditions, it shall be presumed that the person so identified and authenticated is really such person.

Conditions as regards the reliability of the digital identification and authentication under paragraph two shall be of a standard not lower than that prescribed in the Notification of the Commission or the committee under section 34/4 paragraph two, as the case may be, provided that there shall be assurance of public accessibility and use in a convenient and non-discriminatory manner.

Section 34/4. In the case where it is necessary for maintaining financial and commercial security or for strengthening the reliability and credibility of digital identification and authentication systems or for preventing loss to the public, there shall be enacted a Royal Decree to the effect that the operation of any particular service business relating to digital identification and authentication systems is the operation of a service business relating electronic transactions subject to a prior licence, and the provisions of Chapter III, Service Businesses Relating to Electronic Transactions, shall apply *mutatis mutandis*.

The Royal Decree under paragraph one may require that a committee be established for issuing Notifications prescribing rules to be observed by operators of service businesses relating to digital identification and authentication systems and the committee shall have the power to issue orders and perform any other activities under section 34 in the case where a licensee violates, or fails to perform correctly in accordance with, the rules for the operation of the business.”

Section 6. The following provisions shall be added as section 45/1 of the Electronic Transactions Act, B.E. 2544 (2001):

“**Section 45/1.** Any person who operates the service business relating to digital identification and authentication systems without obtaining a licence under section 34/4 or operates the service business relating to digital identification and authentication systems during the currency of a licence suspension order or subsequent to a licence revocation order of the Commission or the committee under section 34/4 paragraph two shall be liable to imprisonment for a term not exceeding three years or to a fine not exceeding three hundred thousand Baht or to both.”

Section 7. An operator of a service business relating to digital identification and authentication systems, who operates the business on the day prior to the date on which this Act comes into force, may continue the operation of the business and, upon enactment of a Royal Decree under section 34/4 of the Electronic Transactions Act, B.E. 2544 (2001) as amended by this

Act to the effect of prescribing the business as a service business relating to electronic transactions subject to a licence, the operator of the service business relating to such digital identification and authentication systems shall submit an application for a licence within ninety days as from the date on which the Royal Decree comes into force and shall, upon submission of the application for a licence, continue the operation of the business until an order for refusal to grant permission is issued.

Section 8. All Rules issued under the Electronic Transactions Act, B.E. 2544 (2001) as in force on the day prior to the date on which this Act comes into force shall continue to be in force insofar as they are not contrary to or inconsistent with this Act until Rules issued under the Electronic Transactions Act, B.E. 2544 (2001) as amended by this Act come into force.

Section 9. The Minister of Digital Economy and Society shall have charge and control of the execution of this Act.

Countersigned by:

General Prayut Chan-o-cha
Prime Minister