

Unofficial Translation*

NOTIFICATION OF MINISTRY OF DIGITAL ECONOMY AND SOCIETY
RE: STANDARDS FOR MAINTAINING SECURITY OF
MEETINGS VIA ELECTRONIC MEANS
B.E. 2563 (2020)

Whereas the Emergency Decree on Meetings via Electronic Means, B.E. 2563 (2020) provides that a meeting via electronic means shall be held in compliance with the standards for maintaining security of meetings via electronic means prescribed by the Ministry of Digital Economy and Society;

By virtue of the provisions of section 7 of the Emergency Decree on Meetings via Electronic Means, B.E. 2563 (2020), the Minister of the Ministry of Digital Economy and Society hereby issues the Notification as follows:

Clause 1. This Notification is called “Notification of the Ministry of Digital Economy and Society, re: Standards for Maintaining Security of Meetings via Electronic Means, B.E. 2563 (2020)”.

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

* Translated by Kanan Chaichana and Nadtara Bott, Legal Opinions and Translation Section, Foreign Law Division, Office of the Council of State. – Initial Version – pending review and approval by the Office of the Council of State.

* Published in the Government Gazette, Vol. 137, Special Part 122 *Ngor*, page 24, dated 26th May B.E. 2563.

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Clause 3. In this Notification:

“electronic” means the application of an electron-based means, an electrical means, an electromagnetic means or any other means of a similar nature and shall include the application of an optical means, a magnetic means or a device involving the application of the aforesaid means;

“meeting control system” means a computer network system and/or any electronic communication devices, whether hardware or software, which are connected to each other into a network and exchange data with each other using information and communication technology and/or telecommunication to enable participants to access and use for the purpose of the meeting via electronic means, whether it be a meeting with audio or a meeting with both audio and video;

“service provider” means a person providing meeting controlling system service;

“system controller” means a person in charge of supervising and managing the meeting control system.

CHAPTER I
GENERAL PROVISIONS

Clause 4. When the person presiding over the meeting determines that a meeting be organised through electronic means, the person with the duty to organise the meeting shall inform the participants in advance that the meeting will be conducted via electronic means and inform about the methods used for the meeting via electronic means.

Clause 5. The organisation of a meeting via electronic means shall have at least the following procedures:

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(1) the identification of participants of the meeting via electronic means before the meeting;

(2) the communication or interaction among each other by audio or both audio and video;

(3) the access to the meeting documents by participants;

(4) voting by participants, both open and secret voting (if available);

(5) the storing of data or evidence relating to the meetings via electronic means including audio records or audio and video records, as the case may be, of every participant throughout the period of the meeting, except for a confidential meeting;

(6) the storing of electronic traffic data of every participant as evidence;

(7) the notification of errors during the meeting.

In a meeting via electronic means, the person with the duty to organise the meeting may use their own meeting control system or a meeting control system of a service provider.

Clause 6. If any agency has its own specific and different operations related to the meeting prescribed by law, more details of the operations may be added according to that different law, taking into account the standards under this Notification.

Clause 7. The organisation of a meeting via electronic means in confidential matters shall, in addition to the compliance with Chapter II of this Notification, be performed in accordance with Chapter III as well.

CHAPTER II

STADARDS FOR MEETINGS VIA ELECTRONIC MEANS

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Clause 8. The identification of participants of a meeting via electronic means before the meeting under Clause 5 (1) shall be conducted in accordance with the procedures prescribed by the person with the duty to organise the meeting, which may include the use of technology in proofing and authenticating the identity of the participants, such as identity authentication by username and password or the use of One Time Password or the identity assurance by other participants before or during the meeting.

For the identification under paragraph 1, the person with the duty to organise the meeting shall select a method with stability and caution suitable for the meeting, whereby other relevant circumstances, such as number of participants, type of the agenda, rules for the meeting as prescribed by the law etc., shall be taken into account.

Clause 9. The communication or interaction among each other by audio or both audio and video under Clause 5 (2) shall be operated with such bandwidth that is sufficient for a clear and continuous transmission of audio or both audio and video, in order to connect participants who are not present at the same place to be able to consult, discuss and express opinions among each other through electronic means at the same time.

The person with the duty to organise the meeting shall prepare for and determine a substitute procedure for a meeting via electronic means in the case of an error arising during the meeting, such as a meeting via telephone or communication by text messages etc.

Clause 10. A meeting via electronic means shall encompass a management of participant rights, whereby the chairperson or the system controller to be designated shall be able to suspend the transmission of audio or both audio and video temporarily or to stop transferring data to any participant immediately in the

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case of necessity or emergency, such as when deliberating matters where a participant has an interest in the meeting.

Clause 11. Regarding the access to the meeting documents by the participants under Clause 5 (3), which includes information presented during the meeting or other information relating to the meeting, the person with the duty to organise to meeting shall deliver such documents or information to the participants before or during the meeting as well as inform about the method that enables the participants to access the meeting documents or such information.

Clause 12. Invitation letters, meeting documents, meeting minutes or information or other documents relating to the meeting may be in the form of electronic data, which shall be conducted in accordance with the law on electronic transactions.

Clause 13. Voting by participants of a meeting via electronic means under Clause 5 (4) shall be performed as follows:

(1) in the case of a general vote, any method that specifies the identity of participants who have the right to vote and determines the intention of their votes may be employed, such as by letting each participant declare his intention by voice, signs or electronic messages etc.;

(2) in the case of a secret vote, the method that specifies the number of persons who have voted and the sum of the votes, without determining the identity of the voters generally, shall be employed, such as the use of online questionnaire etc.

Clause 14. Regarding the storing of data or evidence relating to a meeting via electronic means under Clause 5 (5) and electronic traffic data under

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Clause 5 (6), the person with the duty to organise the meeting shall store the following data or evidence relating to the meeting via electronic means:

(1) the procedure of identification of the participants of the meeting via electronic means, including the total number of the participants or a name list of the participants of the meeting via electronic means who have identified themselves according to Clause 5, whereby such information shall be recorded in the meeting minutes;

(2) the procedure for casting votes by the participants of the meeting via electronic means, including the results of the votes of participants, whereby such information shall be recorded in the meeting minutes;

(3) audio recording data, or both audio and video of meeting participants via electronic means, in the form of electronic data, where recording may be made by the meeting system itself or by any other means, except in the case of a confidential meeting;

(4) any error which arises during a meeting in the course of carrying out any items under Clause 5 which the person with the duty to organise the meeting knows or is informed by a participant;

(5) electronic traffic data, which at least must consist of data that specifies the identity or username, the date and time of meeting attendance, and the end time of the meeting which can be referenced with standard time.

An error under (4) which does not affect the main purpose of the meeting via electronic means shall not invalidate the meeting. However, the person with the duty to organise the meeting may prescribe guidance for rectification of errors and its effects as suited to each agency or organisation.

Clause 15. The storing of data under Clause 14 shall be in electronic form, and shall be maintained in a manner that is secure and in the following reliable procedures:

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(1) a procedure that is reliable in maintaining the correctness of data, from the creation to the completion of the procedure and with measures to protect from altering or editing of such data, except in the case of approval or additional editing, or any alteration which may arise in the normal course of communication, maintenance or display of information, which does not affect the meaning of such data;

(2) a procedure that is able to reuse or display the data after storage;

(3) a procedure with access rights authorization measures, with measures to deny access to persons without right of access, to maintain the reliable nature of the data, and whereby the system controller and the person with the duty to organise the meeting shall not edit the data stored.

Clause 16. For a notification of an error during the meeting under clause 5 (7), the person with the duty to organise the meeting shall prepare a channel to make a notification of such error for the purpose of fixing such error for the participants during the course of the meeting via electronic means.

Clause 17. Each time a meeting via electronic means is finished, the person with the duty to organise the meeting shall store the data or evidence prescribed in clause 14, both the audio data or the audio and video, and the electronic traffic data, as well as any other data from the meeting, or order the service provider to hand over the data within seven days as from the day of each meeting.

Clause 18. When there is a cause to destroy data relating to a meeting, the person with the duty to organise the meeting or the service provider shall delete or destroy the data from the recording device by secure technology and means for deletion or destruction.

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CHAPTER III
STANDARDS FOR MEETINGS VIA ELECTRONIC MEANS
FOR CONFIDENTIAL MATTERS

Clause 19. In a meeting via electronic means for confidential matters, the person with the duty to organise the meeting shall prescribe security measures to prevent persons without a right to attend the meeting from knowing or acquiring knowledge of data from such meeting in confidential matters, including meeting documents, data presented during the meeting, or data relating to such confidential matters, and shall have measures to maintain the security of electronic media prescribed in clause 24.

Clause 20. Participants of a meeting via electronic means shall certify to the meeting that no person without a right to attend the meeting can know of or acquire knowledge of the meeting data that is of a confidential nature under clause 19, and the meeting should be conducted in an area that is closed to prevent entry and exit of other persons.

Clause 21. A meeting via electronic means on a matter which is subject to confidentially classification by a State agency shall be conducted via a meeting control system that is established and provides service within the Kingdom, and which has security standards under clause 24, and which does not store any part of data or evidence outside of the Kingdom. The Service provider must certify to the person with the duty to organise a meeting that they have complied with this requirement.

No recording shall be made of the audio or both the audio and video of every participant of the meeting for the duration of the meeting on a confidential matter.

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Clause 22. A meeting via electronic means on a confidential matter other than the case specified in clause 21 shall utilise a meeting control system which is secure under clause 24.

No recording shall be made of the audio or both the audio and video of every participant of the meeting for the duration of the meeting on a confidential matter.

CHAPTER IV

STANDARDS FOR MAINTAINING SECURITY FOR INFORMATION TECHNOLOGY

Clause 23. In a meeting via electronic means, there shall be standards for maintaining security for information technology at least in the following matters:

(1) confidentiality, whereby measures must be established to prevent access, use or disclosure of electronic data by persons without such rights;

(2) integrity, whereby measures must be established to prevent the editing, loss, damage or destruction that is done without permission or by an illegal act, so as to maintain the complete nature of the data during use, computation, transfer or storage;

(3) availability, whereby measures must be established to maintain electronic data to be ready for work, access, or use when necessary;

(4) maintenance of privacy and protection of personal data;

In addition, there shall be other qualifications, namely, authenticity, accountability, non- repudiation, and reliability of electronic data relating to or created by the meeting.

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Clause 24. The Electronic Transactions Development Agency shall prescribe standards for maintaining security for information technology of the meeting control system.

Clause 25. For the benefit of administering the meeting control system, the Electronic Transactions Development Agency or another agency which the Electronic Transactions Development Agency designates may make available evaluation and certification of compliance with the standards prescribed in this Notification, and it shall be deemed that a meeting control system that is certified by such agency has procedures that comply with the standards under this Notification.

The procedures for evaluation and certification of compliance of the meeting control system shall be in accordance with the standards and procedures prescribed by the Electronic Transactions Development Agency.

Clause 26. The Electronic Transactions Development Agency may prescribe that in the case where an evaluation or a certification for compliance of the meeting control system, in whole or in part, by any agency, both domestic or foreign, complies with standards or requirements that do not fall below the standards prescribed in clause 24, it shall be deemed that the meeting control system or a part of it is certified in compliance with clause 25.

Clause 27. Any meeting via electronic means which was prepared for prior to the entry into force of this Notification, and which is not complete, shall be carried out in accordance with the Notification of the Ministry of Information and Communication Technology, re: Standards for Maintaining Security of Meetings via Electronic Means, B.E. 2557 (2014), until complete. However, this shall not exceed sixty days as from the day the Notification enters into force.

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Clause 28. The Minister of Digital Economy and Society shall have charge and control of the execution of this Notification and shall have the power to interpret and deliberate any problems which may arise from the compliance of this Notification.

Given on the 12th day of May B.E. 2563 (2020)

Buddhipongse Punnakanta,

Minister of Digital Economy and Society

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