

Electronic Transactions Act (No. 3) B.E. 2562

The NLA enacted the Electronic Transactions Act (No. 3) B.E. 2562 (A.D. 2019) on the 18th of January 2019 to amend the Electronic Transactions Act B.E. 2544 (A.D. 2001) (“**ETA**”). It was published in the Government Gazette on the 14th of April 2019 and became effective on and from the 15th of April 2019. The major changes and additions to the ETA include the followings:

1. A transaction required to be made in writing, evidenced by writing, supported by documents or to bear legal consequence if not made in writing shall be deemed to have been made in writing, evidenced by writing, or supported by written document if it is made in electronic data accessible and retrievable without change to its meaning.
2. In case the law requires a signature or specifies a legal consequence if no signature is signed, it shall be deemed that a signature is signed if it is made by way of (1) using a method whereby the identity and intention of the owner of the signature can be identified in relation to the electronic data, and (2) using any of these methods: (a) a reliable and appropriate method for the purpose of creation or transmission of electronic data taking into account all circumstances including any related agreements, or (b) any other method whereby identity and intention of the owner of the signature can be identified in relation to the electronic data based on the said method itself or by support of other evidence.
3. A proposal to conclude a contract made by electronic communications one or several times not addressed to a specific party is deemed an invitation to make an offer.
4. A person is entitled to operate an electronic transaction business. However, in case it is necessary to protect the national monetary and commercial security or for the benefit of creating trust and confidence in the electronic data system or for prevention against public damage, a royal decree can be issued to require electronic transaction businesses to be notified, registered or licensed.
5. The Electronic Transactions Development Agency (“**ETDA**”) is empowered to supervise and control the operation of electronic transaction businesses.
6. An Electronic Transactions Committee is established to approve the electronic transactions strategic plan prepared by the ETDA, promote and support state entities, private entities, and the public to carry out activities pursuant to the electronic transaction strategic plan, determine technological standards for electronic transactions, etc.



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