

Thailand's Draft Cyber Security Bill Open for Public Hearing

Thailand's Ministry of Digital Economy and Society ("MDES") recently published the latest draft of the Cyber Security Bill (the "Bill") for public hearing and public consultation during 24th May 2017 to 7th June 2017 before the MDES revises the Bill and submits it to the National Legislative Assembly ("NLA") for approval. The bill will ensure both public and private organizations take greater responsibility for cyber security which will support the digital ecosystem. It is one of the six pending draft bills related to digital economy laws that need to be approved by the NLA to accomplish the implementation of the country's digital economy roadmap.

There are some significant changes which were made to the Bill comparing to the version of the Bill that was previously endorsed by the Cabinet. The Bill as published by the MDES will establish the National Cyber-security Committee ("NCSC") with the Prime Minister as the President of the NCSC, Minister of Defense as the first Vice President and Minister of MDES as the second Vice President.

Under the Bill, the NCSC is to set standards for cyber security which means that companies operating in Thailand can be forced to implement surveillance standards set by the NCSC.

The Bill also grants authority to the NCSC to order the private sector to do anything or refrain from doing anything if they deem that something is a threat to cyber security.

Importantly, under the Bill, the NCSC will also have authority to authorize an official to access private communication information in the form of post, telex, telephone, fax, computer, electronic communication devices and media, or any other information technology media for the purpose of securing the cyber security and avoiding or at least mitigating the damages that may be caused by such cyber security threat, upon obtaining a court order. In case of emergency, the NCSC is allowed to access the private communication information without the court order and report such access to the court afterwards without delay.

Additionally, an authorized official may order public or private entity or any individual to give testimony or submit a statement or any other documents to be examined by the NCSC or used as the information for any action under the Bill.

The published Bill is not its final version to be submitted to the NLA for their approval. Once the Bill is submitted to the NLA, we will update readers on its development in future issues of our newsletters.

AUTHOR



Kowit Somwaiya
Managing Partner | **Bangkok**
kowit.somwaiya@lawplusltd.com



Paramee Kerativitayanan
Associate | **Bangkok**
paramee.kerativitayanan@lawplusltd.com

LawPlus Ltd.
Unit 1401, 14th Floor, Abdulrahim Place 990
Rama IV Road, Bangkok 10500, Thailand
Tel: +662 636 0662
Fax: +662 636 0663

LawPlus Myanmar Ltd.
Unit No. 520, 5th Floor, Hledan Centre
Corner of Pyay Road and Hledan Road, Kamayut Township,
Yangon, Myanmar
Tel: +95 (0)92 6111 7006
and +95 (0)92 6098 9752