

ROYAL DECREE  
ON SUPERVISION OF SERVICE BUSINESSES  
RELATING TO DIGITAL IDENTIFICATION AND AUTHENTICATION SYSTEMS  
THAT ARE SUBJECT TO LICENSING,  
B.E. 2565 (2022)\*

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HIS MAJESTY KING MAHA VAJIRALONGKORN PHRA VAJIRAKLAOCHAOYUHUA

Given on the 22<sup>nd</sup> Day of December B.E. 2565 (2022);

Being the 7<sup>th</sup> Year of the Present Reign.

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

Whereas it is expedient to supervise service businesses relating to digital identification and authentication systems that are subject to licensing;

Be it, therefore, enacted by the King a Royal Decree, by virtue of the provisions of section 175 of the Constitution of the Kingdom of Thailand and section 34/4 paragraph one of the Electronic Transactions Act, B.E. 2544 (2001) as amended by the Electronic Transactions Act (No. 4), B.E. 2562 (2019), as follows.

**Section 1.** This Royal Decree is called the “Royal Decree on Supervision of Service Businesses Relating to Digital Identification and Authentication Systems That Are Subject to Licensing, B.E. 2565 (2022)”.

**Section 2.** This Royal Decree shall come into force after the expiration of one hundred and eighty days from the date of its publication in the Government Gazette.

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\* Published in the Government Gazette, Vol. 139, Part 78 a, page 36, dated 23<sup>rd</sup> December B.E. 2565 (2022)

**Section 3.** In this Royal Decree:

“identity” means a unique characteristic of a person which can be identified or distinguished by attributes or a set of attributes relating to such person;

“person” means a natural person and juristic person;

“identity proofing” means the process of collecting and validating data concerning a person’s identity and verifying the link between the person and the data concerning the identity;

“authenticator” means a certain thing that is used to link an identity with a person who possesses and controls it for the purpose of authentication, such as passwords, biometric data;

“authenticator lifecycle management” means the process of binding a person’s identity, which has undergone the identity proofing process, with an authenticator and the management of such authenticator;

“authentication” means the process of authenticating a person’s identity through the verification of such person’s authenticator;

“license” means a license for the operation of a service business relating to digital identification and authentication systems;

“Commission” means the Electronic Transactions Commission;

“Agency” means the Electronic Transactions Development Agency;

“competent official” means the Director of the Electronic Transactions Development Agency or a person entrusted by the Director of the Electronic Transactions Development Agency for the execution of this Royal Decree.

**Section 4.** The Agency shall have the duty to supervise service businesses relating to digital identification and authentication systems that are subject to licensing under this Royal Decree.

For the purpose of supervising licensees who operate businesses that have already been regulated by another agency under a specific law, the Agency, with the approval of the Commission, may enter into an agreement to entrust the regulatory agency under such specific law to perform the duty of supervising the licensees, whose businesses are under its regulation, on behalf of the Agency.

**Section 5.** The submission of a license application, notification or submission of information, reports, documents or evidence under this Royal Decree shall be carried out through an electronic means as specified by the Agency.

**Section 6.** The Minister of Digital Economy and Society shall have charge and control of the execution of this Royal Decree.

**CHAPTER I**  
**OPERATION OF SERVICE BUSINESSES RELATING TO DIGITAL IDENTIFICATION AND**  
**AUTHENTICATION SYSTEMS THAT ARE SUBJECT TO LICENSING**

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**Section 7.** The provision of a service relating to digital identification and authentication that possess any of the following characteristics shall be a service that is subject to licensing:

- (1) an identity proofing service;
- (2) an authenticator lifecycle management service
- (3) an authentication service;
- (4) a service for exchanging data for digital identification and authentication that is a network or system which connects and exchanges data relating to digital identification and authentication, excluding a service of an intermediary.

**Section 8.** The provision of any of the following services relating to digital identification and authentication systems shall be exempt from obtaining a license:

- (1) an identification and authentication service operated by a service provider issuing a certificate for supporting electronic signatures, in order to support the use of electronic signatures under the law on electronic transactions;
- (2) an identification and authentication service used by a person for his or her internal businesses without providing the service to external parties;
- (3) a service relating to digital identification and authentication systems in businesses prescribed by the Notification of the Commission.

**Section 9.** A service business relating to digital identification and authentication systems that is subject to licensing under section 7 may only be operated by a juristic person which is a limited company, a public limited company or other juristic person as specified by the Notification of the Commission.

**Section 10.** To ensure public confidence in the business operations of licensees, the Commission may issue a Notification to determine the amount of paid-up registered capital that a licensee, who is a limited company or a public limited company, must have for each characteristic of a service relating to digital identification and authentication systems that is subject to licensing.

## CHAPTER II

### APPLICATION FOR AND GRANTING OF LICENSES FOR THE OPERATION OF SERVICE BUSINESSES RELATING TO DIGITAL IDENTIFICATION AND AUTHENTICATION SYSTEMS THAT ARE SUBJECT TO LICENSING

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**Section 11.** Any person who intends to operate a service business relating to digital identification and authentication systems that is subject to licensing under section 7 shall submit a license application together with the information, documents or evidence as specified by the Notification of the Commission, which must, at a minimum, include the following information, documents or evidence:

- (1) name and juristic person registration number;
- (2) power of attorney, in case the applicant is not an authorized signatory of the juristic person;
- (3) systems and technologies that are used to provide the service;
- (4) risk management plan, and the risk assessment and risk treatment for the service provided;
- (5) personal data protection plan;
- (6) plan and measures for controlling and preventing corruption or frauds from the use of the system;
- (7) plan and measures for information security management system;
- (8) plan and measures for user protection;

(9) consent to access the information under (1) for the purpose of validation

**Section 12.** When the license application as well as the documents and evidence have been received, the Agency shall examine the correctness and completeness of the information, documents or evidence. In the case where the license application is correct and complete, the Agency shall issue an application receipt to the applicant and submit its opinions to the Commission for consideration.

In the case where the license application is not correct or lacks any information, document or evidence, the Agency shall make a record of the defect and notify the applicant to rectify the license application or deliver correct and complete information, documents or evidence within the specified time limit

In the case where the applicant fails to proceed as notified by the Agency under paragraph two, it shall be deemed that the applicant does not intend to proceed further, and the Agency shall dispose the matter of the directory and notify the applicant.

**Section 13.** In the case where the Commission is of the opinion that the applicant possesses the qualifications under section 9 and section 10, the Commission shall issue an order granting a license and may impose any conditions relating to the business operation as may be deemed necessary. The Agency shall expeditiously issue the license to the applicant.

In the case where the Commission issues a denial order the applicant shall also be notified of the reasons.

**Section 14.** Prior to commencing the business, the licensee shall submit a business readiness assessment report, which must at least include the readiness in terms of technologies and personnel, to the Agency within one hundred and eighty days from the date on which the license is granted

In case of necessity, the licensee may request the Agency to extend the time limit under paragraph one, provided that the total period must not exceed two hundred and forty days.

The Agency shall complete the consideration of the report under paragraph one within sixty days from the date on which the report is received. However, where there is a necessity making it impossible to complete the consideration within the time limit, the

Agency may extend the time limit for no longer than thirty days from the date of expiration of the time limit and shall notify the licensee accordingly.

In the case where the licensee fails to submit the business readiness assessment report within the time limit under paragraph one, the Agency shall present the matter to the Commission for issuing an order to terminate the license.

**Section 15.** In the case where the Agency, after considering the business readiness assessment report, is of the opinion that the licensee is ready to engage in business, it shall notify the licensee to proceed with the business operation. However, if the Agency is of the opinion that the licensee is not ready to engage in business, the Agency shall notify the licensee to rectify the matters and resubmit the business readiness assessment report within the time limit specified by the Agency. The time limit under section 14 paragraph three shall also apply *mutatis mutandis* to the consideration of such report.

In the case where the licensee fails or is unable to make rectifications within the time limit specified by the Agency under paragraph one, the Agency shall present the matter to the Commission for issuing an order to terminate the license.

**Section 16.** In the case where the Commission issues an order to terminate the license under section 14 paragraph four or section 15 paragraph two, the Agency shall notify the licensee and publish the termination of the license for public knowledge.

**Section 17.** The license application, license and business readiness assessment report shall be in the forms specified by the Agency.

### CHAPTER III DUTIES OF LICENSEES

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**Section 18.** The licensee shall not appoint or allow a person who has any of the following characteristics to become or perform the duties of a director, manager or person responsible for operations of the licensee:

- (1) being a bankrupt or having previously been a dishonest bankrupt;
- (2) being an incompetent person or a quasi-incompetent person;

(3) being a director, a manager, or a person responsible for operations of a juristic person whose license has been revoked under section 35 and the period of three years has not yet elapsed from the date of revocation;

(4) being a person determined to be a person committing acts constituting terrorism or having been convicted by a final judgment of committing an offence of providing financial support to terrorism under the law on prevention and suppression of financial support to terrorism and the proliferation of weapons of mass destruction;

(5) having been sentenced by a final judgment to a term of imprisonment for an offence relating to counterfeiting and altering or an offence relating properties committed with dishonest intent, regardless of whether the punishment is suspended;

(6) having been ordered by a judgment or an order of the Court that his or her properties shall vest in the State on the grounds of unusual wealth;

(7) having been convicted by a final judgment of committing an offence of money laundering under the law on prevention and suppression of money laundering;

(8) having been sentenced by a final judgment to a term of imprisonment for an offence relating to computer under the law on commission of offences relating to computer;

(9) having been imprisoned due to a final judgment to a term of imprisonment for an offence relating to the operation of a service business relating to digital identification and authentication systems without a license;

(10) having been removed from the position of a director or an executive of a public limited company on the grounds that he or she has characteristics indicating a lack of appropriateness in respect of trustworthiness in managing a business whose shares are held by public shareholders under the law on securities and exchange;

(11) being a person under any other prohibitions or lacking any other qualifications as prescribed by the Notification of the Agency issued with the approval of the Commission.

**Section 19.** In the case where the licensee uses the services provided by an external party to collect or maintain data relating to the provision of digital identification and authentication system services, the licensee shall notify the Agency, and shall also comply with the rules and procedures prescribed by the Notification of the Agency.

In the case where there is a change in the use of services provided by an external party that differs from that notified under paragraph one, the licensee shall notify the Agency within fifteen days from the date of change.

**Section 20.** The licensee must notify the Agency in the case where there is a change in any of the following matters:

- (1) registered capital of the licensee;
- (2) directors, managers, or persons responsible for operations of the licensee;
- (3) systems or technologies that may affect the provision of services;
- (4) other changes that are crucial to the business operation as prescribed by

the Notification of the Commission.

**Section 21.** The licensee shall notify the Agency when there is a complaint or a legal action relating to the business operation, and of the actions taken by the licensee in respect of such matter, in accordance with the rules prescribed by the Notification of the Agency.

**Section 22.** The licensee shall store data relating to the provision of services, accounts, documents or other evidence concerning the businesses, assets and debts for the purposes of inspection, in accordance with the rules prescribed by the Notification of the Agency.

**Section 23.** The licensee must arrange for an assessment of the digital identification and authentication systems and report to the Agency in accordance with rules, conditions and time limit prescribed by the Notification of the Agency.



CHAPTER IV  
SUPERVISION OF SERVICE BUSINESSES RELATING TO DIGITAL IDENTIFICATION AND  
AUTHENTICATION SYSTEMS THAT ARE SUBJECT TO LICENSING

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**Section 24.** The Agency, with the approval of the Commission, shall have the power to issue a Notification prescribing rules on the following matters, according to the characteristics of the provision of services:

- (1) measures relating to risk management and risk treatment of the service system and emergency response management;
- (2) measures relating to security of the service system and the audit;
- (3) measures for controlling and preventing corruption or frauds from the use of the system;
- (4) standards of the service, including the management and storage of data;
- (5) user protection and measures for mitigating damage and compensating or remedying persons who sustain damage from the business operation;
- (6) use of services from external parties relating to the service system;
- (7) disclosure of important information relating to the provision of services.

**Section 25.** Measures for mitigating damage and compensating or remedying persons who sustain damage from the business operation under section 24 (5) must at least include:

- (1) channels for providing assistance to users who sustain damage from using the service;
- (2) process and measures for taking care of users who sustain damage from using the service;
- (3) process for remedying the damage and for notifying users of the results of actions taken;
- (4) the stipulation of compensation or remedy for damage by the licensee in the contract or terms of service.

**Section 26.** The licensee must submit a financial report and summary of operations relating to the provision of services to the Agency not less frequently than once every year.

The licensee shall make the financial report and summary of operations under paragraph one in the forms and in accordance with the procedures prescribed by the Notification of the Agency. Such report and summary must be truthful.

**Section 27.** In the case where there are reasonable grounds for the purposes of supervising and regulating business operations, the competent official shall have the power to require any licensee to submit a report or any other information and furnish relevant documents, and to provide an explanation or clarification on the report, information or documents.

In carrying out actions under paragraph one, the competent official shall have the power to issue an order requiring licensees to arrange for their directors, managers, officers or employees to give additional statements or provide additional information, accounts, documents or other evidence concerning the provision of services.

**Section 28.** In the case where the licensee contravenes or fails to comply with section 10, section 18, section 19, section 20, section 21, section 22, section 23, section 26, section 27, a Notification of the Agency under section 24, or a condition in the license, the Agency shall have the power to issue an order requiring the rectification to be made within the specified time limit.

## CHAPTER V

### CESSATION OF BUSINESS OPERATION

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**Section 29.** In the case where the licensee intends to cease the operation of a service business relating to digital identification and authentication systems that is subject to licensing under this Royal Decree, the licensee shall notify the Agency in advance no less than sixty days prior to the date on which the business is expected to be ceased, in accordance with the rules and conditions prescribed by the Notification of the Agency.

**Section 30.** In order to prevent damage that may be caused to users, to protect users or to ensure continuity of service usage by users, the Commission shall have the power to prescribe rules, procedures, conditions and period for the cessation of business operations, which must at least include:

- (1) management and storage of data relating to digital identification and authentication or any other data of the licensee;
- (2) transfer of services to another licensee;
- (3) notice and remedy to users;
- (4) periods for carrying out actions under (1), (2) and (3).

**Section 31.** Once the licensee has fully complied with section 30, the licensee shall notify the results of the actions to the Agency in accordance with the rules and conditions prescribed by the Notification of the Agency. The Agency shall submit an opinion to the Commission for consideration and permission to cease the business operation.

**Section 32.** In the case where the Commission grants permission to cease the business operation, the Agency shall notify the licensee within three days from the date on which the Commission passes the resolution. The licensee shall inform its users of the matter in advance no less than thirty days from the date on which it is permitted to cease the business operation. In this regard, the Agency shall publish the matter for public knowledge.

The license shall be terminated from the date on which the licensee is permitted to cease the business operation under paragraph one.

**Section 33.** The cessation of business operations shall not affect the results of the identity proofing and authentication that have been conducted through the digital identification and authentication systems of the licensee prior to the date of cessation of business operations.

CHAPTER VI  
SUSPENSION AND REVOCATION OF LICENSES

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**Section 34.** In the case where the licensee fails to complete the rectification in accordance with the order of the Agency under section 28 within the specified time limit, the Commission may order the suspension of the license for a period not exceeding ninety days for each occasion. However, where there are reasonable grounds to believe that the compliance with or implementation of the order of the Agency requires more than ninety days, the Commission may specify a period exceeding ninety days.

The Agency, with the approval of the Commission, shall have the power to impose conditions for the licensee to correctly comply with during the suspension of the license.

**Section 35.** The Commission shall have the power to revoke the license when it appears that the licensee has committed any of the following acts:

(1) having previously been ordered to a suspension of the license, and subsequently having a cause for possible suspension of the license within one year from the date of the license suspension, whether on the same grounds or not;

(2) contravening or failing to comply with the rules on business operations under the law on electronic transactions or this Royal Decree again within a period of one year from the date on which the Commission first issues an order for a fine;

(3) failing to comply with section 22, section 27, a Notification of the Agency under section 24 or a condition in the license, or failing to make rectifications as ordered by the Agency under section 28, to the extent that it may affect users in a serious manner or affect digital identification and authentication systems;

(4) failing to make rectifications as ordered by the Agency under section 28 until the period of license suspension elapses.

The provisions of section 32 shall apply *mutatis mutandis* to the publication of license revocation orders

**Section 36.** The revocation of a license shall not affect the results of the identity proofing and authentication that have been conducted through the digital

identification and authentication systems of the licensee prior to the date on which the license is revoked.

#### TRANSITORY PROVISIONS

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**Section 37.** An operator who has been operating a service business relating to digital identification and authentication systems that is subject to licensing on the day prior to the date on which the Royal Decree comes into force may continue to operate the service business, provided that the operator shall submit a license application together with the business readiness assessment report within ninety days from the date on which this Royal Decree comes into force. Upon submission of the license application, the operator may continue the business operation until the Commission issues a denial order.

Countersigned by  
General Prayut Chan-o-cha  
Prime Minister

Remark: The grounds for the promulgation of this Royal Decree are as follows. Services relating to digital identification and authentication systems are essential services for electronic transactions. Those services involve crucial processes of electronic transactions which require identification and authentication. They also build confidence in electronic transactions. Hence, it is expedient to supervise those service businesses by prescribing characteristics of operations of service businesses relating to digital identification and authentication systems that are subject to licensing and rules for business conduct in order to ensure trustworthiness and security of the system, prevent harm to the public, and enhance trustworthiness and reliability of digital identification and authentication systems. It is therefore necessary to enact this Royal Decree.