

Translation

**ELECTRONIC TRANSACTIONS ACT (NO. 2),
B.E. 2551 (2008)**

BHUMIBOL ADULYADEJ, REX.
Given on the 6th Day of February B.E. 2551;
Being the 63rd Year of the Present Reign.

His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim that:

Whereas it is expedient to amend the law on electronic transactions;
Be it, therefore, enacted by the King, by and with the advice and consent of the National Legislative Assembly, as follows:

Section 1. This Act is called the “Electronic Transactions Act (No. 2), B.E. 2551 (2008)”.

Section 2. This Act shall come into force as from the day following the date of its publication in the Government Gazette.¹

Section 3. The followings shall be added as paragraph two of section 8 of the Electronic Transactions Act, B.E. 2544 (2001):

“In the case where there is required by law that stamp duty shall be affixed to any instrument, if it appears that the price of stamp duty is paid through electronic procedure in accordance with the rule and procedure notified by related State agency, it shall be deemed that stamp duty has been affixed to, and crossed out from, such instrument under such law irrespective of whether it has been made in form of letter, written evidence or document. In this case, the Committee may lay down general framework and guideline of the rule and procedure to be notified by related State agency.”

Section 4. The followings shall be added as paragraph two and paragraph three of section 9 of the Electronic Transactions Act, B.E. 2544 (2001):

“To authenticate the reliable procedure under (2), regard shall be had to:

(a) security and safety for the use of procedure or equipment for identification, readiness of the alternatives for identification, rule on signature prescribed by law, level of security and safety in using of electronic signature, compliance of the procedure for identification of the medium, acceptable or unacceptable level, identification procedure in making of transactions, identification procedure at the moment the transactions and communications have been made;

(b) characteristic, kind or volume, or number of times or frequencies, or trade customs or practices, significance or value of transactions that have been made; or

(c) safety of communication system.

¹Published in the Government Gazette, Vol. 125, Part 33*Kor*, dated 13th February B.E. 2551 (2008).

The provisions of paragraph one shall apply to the affix of seal of a juristic person through electronic method *mutatis mutandis*.”

Section 5. The followings shall be added as paragraph four of section 10 of the Electronic Transactions Act, B.E. 2544 (2001):

“In the case where electronic data under paragraph one has been printed out as printed matter to be used as reference of such data, if all statement of that printed matter and such electronic data are alike and that printed matter is certified by the authoritative agency notified by the Committee, that printed matter is deemed to be used in lieu of the original source.”

Section 6. The provisions of section 11 of the Electronic Transactions Act, B.E. 2544 (2001) shall be repealed and replaced by the followings:

“**Section 11.** Electronic data shall not be dismissed if it has been used as evidence in any legal proceedings in civil, criminal or any other case on the ground that it is an electronic data.

In balancing against reliability of electronic data, regard shall be had to trustworthiness of characteristic or procedure for creating, keeping or communicating electronic data, characteristic or procedure for keeping, completion and unchanging of statement, characteristic or procedure for indentifying or stating the sender of the data as well as all related circumstances.

The provisions of paragraph one shall apply to the printed matter of electronic data.”

Section 7. The followings shall be added as section 12/1 of the Electronic Transactions Act, B.E. 2544 (2001):

“**Section 12/1.** The provisions of section 10, section 11 and section 12 shall apply *mutatis mutandis* to any document or statement that is made of, or converted to, electronic data through electronic procedure and to the keeping of such document or statement.

The making or conversion of document or statement to be in form of electronic data under paragraph one shall be in accordance with the rule and procedure prescribed by the Committee.”

Section 8. The provisions of paragraph one of section 36 of the Electronic Transactions Act, B.E. 2544 (2001) shall be repealed and replaced by the followings:

“**Section 36.** There shall be a Committee called the “Electronic Transactions Committee,” consisting of the Minister of Information and Communication Technology as the Chairperson, the Permanent Secretary of the Ministry of Information and Communication Technology as the Vice-Chairperson, and other twelve members appointed by the Council of Ministers from qualified person in the field of finance, electronic commerce, law, computer science, science or engineering and social science whom selected under selection process, two from each field and one of each field shall be selected from private sector. The Director of the Office of Electronic Transactions Committee shall be member and secretary.”

Section 9. The followings shall be added as section 42/1 of the Electronic Transactions Act, B.E. 2544 (2001):

“**Section 42/1.** The Committee shall be entitled to meeting allowance and other benefits in accordance with the rule prescribed by the Council of Ministers.

The Sub-committee appointed by the Committee under section 42 shall be entitled to meeting allowance and other benefits as prescribed by the Committee.”

Section 10. The provisions of section 43 of the Electronic Transactions Act, B.E. 2544 (2001) shall be repealed and replaced by the followings:

“**Section 43.** There shall establish the Office of Electronic Transactions Committee as government agency under the Office of the Permanent Secretary of the Ministry of Information and Communication Technology to be secretariat unit of the Committee.”

Section 11. While the establishment of the Office of Electronic Transactions Committee under section 43 of the Electronic Transactions Act, B.E. 2544 (2001) as amended by this Act is in process, the Permanent Secretary of the Ministry of Information and Communication Technology shall be responsible for secretariat work of the Committee temporarily.

The Permanent Secretary of the Ministry of Information and Communication Technology shall appoint a government official of not lower than the government official level eight or equivalent of the Office of the Permanent Secretary of the Ministry of Information and Communication Technology to be Acting Director of the Office of Electronic Transactions Committee until the establishment of the Office of Electronic Transactions Committee is completed.

For the performance of duty under paragraph one, the Minister of Information and Communication Technology may order any government official of the Ministry of Information and Communication Technology to do work temporarily at the Office of the Permanent Secretary of the Ministry of Information and Communication Technology as necessary.

Section 12. The Prime Minister and the Minister of Information and Communication Technology shall have charge and control of the execution of this Act.

Countersigned by:

General Surayud Chulanont
Prime Minister