

(Unofficial Translation)*

Digitalization of Public Administration and Services Delivery Act,
B.E. 2562 (2019)

PHRABAT SOMDET PHRA PARAMENDRA RAMADHIBODI SRISINRA MAHA VAJIRALONGKORN

PHRA VAJIRA KLAO CHAO YU HUA, REX;

Given on the 19th day of May B.E. 2562 (2019);

Being the 4th year of the Present Reign.

His Majesty King Paramendra Ramadhíbodi Srisinra Maha Vajiralongkorn Phra Vajira Klao Chao Yu Hua is graciously pleased to proclaim that:

Whereas it is expedient to have a law on Digital government administration and Digital services delivery;

Be it, therefore, enacted by the King, by and with the advice and consent of the National Legislative Assembly acting as the National Assembly, as follows:

Section 1. This Act is called the “Digitalization of Public Administration and Services Delivery Act, B.E. 2562 (2019)”.

Section 2.¹ This Act shall come into force on the day following the date of its publication in the Government Gazette.

Section 3. In this Act:

“Digital” means technology which utilizes the symbol of one and zero, or other symbols as a substitute for any and all things, in order to create or generate systems for the benefit of human utilization;

“Digital Government” means utilization of the Digital technology as a tool in state administration and services delivery by way of modifying the management and integration of governmental data, and [governmental] function in a way that ensures secure mutual compatibility and interconnectivity, under the principle of good governance, while aiming to improve the efficiency and convenience in relation to the provision of services to the people, disclosure of government information to the public, and creation of cooperation from all sectors;

“State Agencies” mean the central administration, provincial administration, local administration, public enterprise, public organization, parliament, court, independent organization under the Constitution, public prosecution organization, public higher education institutes, and government independent agency;

“Office” means the Digital Government Development Agency (Public Organization).

* This translation is provided by Digital Government Development Agency (Public Organization) as the competent authority for information purposes only. Whilst Digital Government Development Agency (Public Organization) has made efforts to ensure the accuracy and correctness of the translation, the original Thai text as formally adopted and published shall in all events remain the sole authoritative text having the force of law.

¹ Published in the Government Gazette, Vol. 136, Part 67 a, Page 57, dated 22nd May B.E. 2562 (2019).

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Section 4. For the purpose of ensuring convenience, expedience, and efficiency in public administration and services, as well as their responsiveness in facilitation and provision of services to the people, a State Agency shall procure that there is public administration and provision of public services through Digital means which includes management and integration of governmental data, and [governmental] function in a way that ensures secure mutual compatibility and interconnectivity, under the principle of good governance, while aiming to improve the efficiency and convenience in relation to the provision of services to the people, disclosure of government information to the public, and creation of cooperation from all sectors.

The actions under the first paragraph shall be carried out, at least, to fulfil the following objectives:

(1) Implementation of an appropriate Digital system in the public administration of and provision of services by every State Agency, for the purpose of improving its efficiency and ensuring optimized and cost-effective utilization of the Digital system;

(2) Development of standards, rules, and procedures on a Digital system, and the development of an essential Digital infrastructure, in order to meet the international standards and to create and improve the work process of State Agencies in a way that promotes mutual compatibility, interconnectivity, data sharing as well as security and credibility, integration and unity between Agencies through cooperation, leading to the development of efficient services delivery and integrated public administration and services, and allowing for easy access by the people;

(3) Creation and development of a practical and credible security system to be implemented within the Digital system and a protection measure for the data which might affect public security or privacy;

(4) Disclosure of public data or announcement produced and possessed by State Agencies through a Digital means for the purpose of creating easy access to the public, promoting their involvement in and inspection on governmental operations, and enabling them to further use the data to develop innovations and services which would be beneficial to the Country in certain aspects;

(5) Maintenance of governmental financial and fiscal discipline and enhancement of the efficiency in government spending and budgeting, in order to ensure their optimization and effectiveness, including monitoring, inspection, and cost-effectiveness evaluation, through a Digital means, of operations in carrying out public administration and services, as well as developing a mechanism which utilizes data to reduce redundancy and enhance mutual compatibility, to the working plans and projects, between State Agencies.

Section 5. There shall be the Digital Government Development Plan to determine the framework and direction for Digital public administration and provision of public services for the development of the country, a mutual compatibility between operations of State Agencies, and a national development framework as well as operating plan which will fulfil the objectives under Section 4, the National Strategy, and relevant plans on the national level.

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In the Digital Government Development Plan under the first paragraph, State Agencies with related missions may be assigned to create a shared system of integrated Digital data, and a list of State Agencies obliged to publish their data through Open Government Data center may also be specified.

Upon the promulgation of the Digital Government Development Plan, a State Agency shall follow the plan, produce or modify its operating or working plans to accommodate the Digital Government Development Plan, and shall submit the operating or working plans for the Office's acknowledgement.

Section 6. There shall be a commission called the Digital Government Development Commission which shall consist of the followings:

(1) Prime Minister as the Chairperson;

(2) Minister of Digital Economy and Society, Permanent Secretary of the Office of the Prime Minister, Permanent Secretary of the Ministry of Higher Education, Science, Research, and Innovation, Permanent Secretary of the Ministry of Digital Economy and Society, Director of the Budget Bureau, Secretary-General of the Civil Service Commission, Secretary-General of the Public Sector Development Commission, and Secretary-General of the National Economic and Social Development Council as members;

(3) Five other members, selected from qualified members of the National Digital Economy and Society Commission, Electronic Transactions Commission, Official Information Commission, Personal Data Protection Commission, and National Cybersecurity Committee, one from each commission, provided that the selected candidates possess knowledge and expertise which will be beneficial to the official duties of the Digital Government Development Commission.

The Director of the Office shall be a member and the secretary, and may appoint up to two officers from within the Office as assistant secretaries.

In case of a member under (3) being subject to termination of membership or suspension of official duties assigned under the commission in which he or she is serving, his or her membership in the Digital Government Development Commission shall also be terminated.

In any case which results in a vacancy of a commission member for a position under (1), (2), or (3), the Digital Government Development Commission shall consist of the remaining members, unless there are less than half the members of the full Commission remaining.

The official duties and meeting of the Digital Government Development Commission shall be carried out under the regulations determined by the Digital Government Development Commission. In a case where the Digital Government Development Commission has yet to set out the regulation in any matter, the provision relevant to such matter governing the commission with a power to carry out an administrative process under the laws on performance of official administrative duties shall be applicable, *mutatis mutandis* to the meeting of the Digital Government Development Commission.

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Section 7. The Digital Government Development Commission shall have the following duties and powers:

(1) To recommend policies and formulate Digital government development plans under Section 5 for the Council of Ministers' consideration and approval;

(2) To specify the principle of governmental data governance as a foundation and guideline to ensure compliance with this Act;

(3) To determine standards, regulations, and rules in relation to the Digital system for the purpose of achieving the objectives under the second paragraph of Section 4, and compliance with the provisions of this Act;

(4) To determine a guideline on the development of government personnel capabilities for the benefit of the public administration and services delivery through the Digital system;

(5) To recommend the Council of Ministers to adopt or amend relevant laws in order to achieve the objectives and goals under Section 4. The Commission may also present for the consideration of the person who has charge and control of relevant duties and powers to waive or reduce fees, compensations, fines, or any other expense, for the benefit of achieving the objectives of this Act;

(6) To provide counsel or recommendation to State Agencies on compliance with the Digital Government Development Plans and this Act;

(7) To monitor and ensure the State Agencies' compliance with the Digital Government Development Plans and present for the Council of Ministers' consideration in order to ensure that actions are being carried out in accordance to the strategies, goals, and projects under the plans;

(8) To regulate and monitor the operations of the government data exchange center and the open government data center;

(9) To issue regulations or notifications for the execution of this Act;

(10) To carry out other duties as assigned by the Prime Minister or the Council of Ministers, or as specified by the law as duties of the Digital Government Development Commission.

For the benefit of carrying out duties under the first paragraph, the Digital Government Development Commission may appoint a sub-committee or a person to proceed with tasks assigned by the Digital Government Development Commission.

The Digital Government Development Plans under (1) and the specification of standards, regulations, and rules under (3), and regulations or notifications under (9) shall come into force upon its publication in the Government Gazette.

Section 8. The governmental data governance under Section 7 (2) shall, at least, consist of the followings:

(1) The determination of rights, duties, and responsibilities in management of data of State Agencies, including the rights and duties of the person possessing or controlling the data in every step throughout the procedure;

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(2) There being an administration system and a comprehensive procedure for data management and protection which cover the production, storage, categorization, processing or utilization, classification or disclosure, inspection, and destruction;

(3) There being a measure to control and improve data quality for the purpose of ensuring that the data is correct, comprehensive, readily available, up-to-date, integrable, and can be shared, including there being an evaluation on the data management in order for Government Agencies to have quality data, and to be able to develop their innovation using such data;

(4) The determination of clear and systematized policies or rules on access and utilization of data, including measures and guarantees for the protection of possessed data to ensure security and prevent privacy violation;

(5) The production of the data catalogue on the government's Digital metadata in order to expound on the data structure, content, form of storage, sources, and right to access the data.

Section 9. The Chairperson of the Digital Government Development Commission, its members, members of sub-committees, and persons appointed by the Digital Government Development Commission shall receive compensation or meeting allowance as specified in the rule determined by the Council of Ministers.

Section 10. The Office shall have the duty of directing and facilitating the operations as assigned by the Digital Government Development Commission, including its secretarial and academic works. The Office shall also carry out the followings:

(1) Formulate Digital Government Development draft plans under guidelines determined by the Digital Government Development Commission and the draft standards, regulations, and rules under Section 7 (3), and presenting them to the Digital Government Development Commission;

(2) Coordinating, recommending, and providing assistance to State Agencies in relation to the operations to ensure compliance with the Digital government development plans under Section 7 (1), standards, regulations, and rules under Section 7 (3), and this Act;

(3) Surveying, gathering data, analyzing, and carrying out research to create indicators and supporting indexes for Digital government development, and presenting them to the Digital Government Development Commission;

(4) Monitoring and evaluating the operations under the Digital Government Development Plans under Section 7 (1), standards, regulations, and rules under Section 7 (3), and State Agencies' working or operation plans under the third paragraph of Section 5, in order to report the results to the Digital Government Development Commission;

(5) Supporting the interconnection between State Agencies' Digital services in order to create the comprehensive public services as determined by the Digital Government Development Commission, for the purpose of facilitating access of the people;

(6) Promoting and Supporting academic and knowhow services on Digital systems to improve the government officials' knowledge and skills, for the benefit of carrying out duties and operation under this Act;

(7) Performing other duties as determined by the Council of Ministers and the Digital Government Development Commission.

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Section 11. For the benefit of public administration and provision of services to the people through the Digital means and in the Digital forms, in a case where a law, rule, or regulation determines that the person requesting an approval, permission, or a license, or a person submitting an application for a registration or a notation, or a person who is carrying out a notification, requires a governmental document or proof issued by a State Agency, to support the consideration or to support taking actions under a law, rule, or regulation, the person who has the power to approve, permit, issue the license, accept the registration, accept the notation, or acknowledge the notification shall procure that the State Agency submits the data, copy of the documents, or proof through a digital channel to support the consideration or taking actions under such law, rule, or regulation. In this regard, the expenses incurred from making such copies shall not be charged to the State Agency requesting the documents unless the law, rule, or regulation states otherwise.

In a case where Digital data has been interconnected between the relevant State Agencies under the first paragraph, it shall be deemed that the document or proof has already been submitted or shown in accordance with the law of such State Agency.

Section 12. For the purpose of ensuring that the public administration and services delivery through Digital means achieve the objectives under Section 4 and to create collective integration, State Agencies shall produce a set of good governance [to govern management] of governmental data at the Agency level, and proceed under the followings to comply with the good governance of governmental data under Section 8:

(1) To digitalize data under their missions and ensure that the data is complete, credible, can be efficiently utilized, correct, up-to-date, can be shared with other Government Agencies, and can be further processed;

(2) To digitalize procedures or operation [plans] for public administration and provision of services to the people. The digitalization of procedures or the operation [plans] shall be mutually compatible to function with one another under the regulations and rules determined by the Digital Government Development Commission to ensure compatibility and interconnection with other State Agencies, provided that the convenience and accessibility of the people under the appropriate standards and data integration between State Agencies shall be prioritized;

(3) To ensure that there is a separate channel of Digital payment system, in a case where there is a law prescribing that a State Agency may collect a fee, service charge, fine, or any other expense from the people for the provision of services by the State Agency. The State Agency may also make an agreement with another State Agency to have it collect the amounts in its stead;

(4) To ensure that there is a system for Digital identification and verification of identity for the purpose of facilitating the provision of services to the people; the standard and guidelines of which shall ensure mutual compatibility as determined by the Digital Government Development Commission;

(5) To ensure that there is a security and protection measure or system for the access to State Agencies' Digital services, in order to promote their readiness, credibility, and transparency. At minimum, a protection system or a countermeasure against cybersecurity threats or risks under the Cybersecurity laws shall be procured;

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(6) To ensure that there is a personnel development program for government personnel to improve their knowledge and abilities in carrying out their operations on public administration and services delivery through Digital means, and ensure their compliance with the Digital Government Development Plans;

(7) To ensure that the State Agencies' operation or working plans, policies, and guidelines on administration and services delivery through Digital means are reviewed. An evaluation of the operation under the plans, policies, and guidelines shall be carried out at least once per year.

The digitalization of the data under (1) shall be in accordance with standards and rules specified by the Digital Government Development Commission.

In a case where a State Agency would digitalize the data under (1) for the benefit of its operations, if there is another State Agency with duties and authority to digitalize or gather such Digital data as master data in the matter, whether in whole or in part, the State Agency shall ensure that there is interconnectivity and sharing of such Digital data between the related parties in a way that the data does not need to be produced entirely anew. The Digital Government Development Commission may set out regulations for such procedures, provided that they are under the data governance of governmental Digital data.

Section 13. For the benefit of public administration and provision of services to the people, State Agencies shall ensure that there is an interconnectivity and sharing of produced and processed Digital data upon a request by another State Agency with which it will be mutually integrated.

Section 14. The State Agency which is the recipient of the Digital data under Section 13 shall only utilize the data in accordance with its objectives, for its duties, and within its powers. It shall also maintain that the data is kept securely, and that there shall be no disclosure or transfer of such data to a person without the right to access it.

Section 15. There shall be a data exchange center acting as a sharing center for Digital data and Digital registration between State Agencies to support the State Agencies' operations in provision of services to the people through Digital means. It shall also carry out the followings:

(1) Determination of policies and standards in relation to interconnectivity and sharing of Digital data and present them for the approval of the Digital Government Development Commission;

(2) Coordination and provision of support to State Agencies in connection and sharing of Digital data between one another, including monitoring and regulating such procedures to ensure that they are consistent and comply with the same standards under rules, procedures, and conditions prescribed by the Digital Government Development Commission;

(3) Production of the data catalogue on the governmental metadata and storage records and evidence of connection and sharing of Digital data;

(4) Other matters as assigned by the Digital Government Development Commission.

Section 16. Under the provisions of the personal data protection laws, in a case where a State Agency acquires personal data or has in possession personal data, if a State Agency wishes to utilize the personal data in the Digital format for the benefit of government administration, it may request to connect to and share the personal data with the State Agency which possesses it for the purpose of analysis or processing.

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Section 17. A State Agency shall produce the data which must be disclosed to the public under the laws on government information as Digital data. It shall procure that the public has a free access without any expense, and is able to distribute or utilize the data, or used as a means to develop services and innovation in various ways. The standards and rules on the disclosure of such data shall be as prescribed by the Digital Government Development Commission, provided that it shall be for the benefit of facilitating the people's access to the data.

Section 18. For the benefit of facilitating the provision of services to the people and the operations of State Agencies through Digital means, there shall be an open government data center within the Office to coordinate and ensure submission or connection of data between State Agencies under Section 17 and their disclosure to the public.

The Digital Government Development Commission shall specify the types, forms, and standards of the data disclosed to the public by the open government data center. Such specifications shall be consistent and compatible with internationally accepted open data principle.

Section 19. In the initial stage, the Office shall ensure that there is a temporary data exchange center under Section 15 for a period not exceeding two years. When the period has lapsed, the Digital Government Development Commission shall consider the necessity and appropriateness of the State Agencies which shall be operating in relation to the data exchange center. In a case where the Digital Government Development Commission views it appropriate to assign another State Agency to carry out the operations in the Office's stead, it shall present the operating guidelines, transfer of missions, budgets, property and liabilities, obligations, and personnel to the other State Agency for the Council of Ministers' consideration.

Section 20. The Prime Minister shall have charge and control of the execution of this Act.

Countersigned by
Gen. Prayuth Chan-ocha
Prime Minister

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Remarks :- The reason for the promulgation of this Act is that at present, technology has advanced and has been a part of life and business operation of the public. Public administration and services delivery have yet to fully implement technology in its development of efficiency and facilitation to the public. In addition, the Constitution of the Kingdom of Thailand has prescribed that there shall be a national reform in relation to public administration, by way of implementing appropriate technology for public administration and services, and ensure that there shall be an integration of the databases of every State Agency to create a data system, for the benefit of public administration and facilitation for the people. It is appropriate to promulgate a law to drive the reform on public administration and provision of services to the people, as provided by the Constitution, and for the purpose of improving public administration and provision of service and integrating them into the Digital system, which will lead to the achievement of a Digital government which has a working system and State Agencies with efficient, expedited, open, transparent, and securely interconnected data. The public will benefit from the convenience in receiving the services and will be able to inspect the operations of the State Agencies as well. As such, it is necessary for the promulgation of this Act.

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