

Act on Computer Crime

B.E. 2550 (2007)

BHUMIBOL ADULYADEJ, REX.
Given on the 10th of June B.E. 2550;
Being the 62nd Year of the Present Reign.

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

Whereas it is expedient to have the law on computer crime;

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

Section 1 This act is called the “Act on Computer Crime B.E. 2550”

Section 2 This act shall come in to force thirty days as from the day following the date of its publication in the Government Gazette.

Section 3 In this Act:

“**Computer system**” means device or group of interconnected or related device which has been determine function by program or group of programs or anything else to perform automatic processing of data;

“**Computer data**” means information, messages, instruction, group of instruction, or anything else in a computer system for the purpose that computer system could process and shall include electronic data under the law on electronic commerce;

“**Traffic data**” means any data relating to communicate by computer system, indicating source, origin, destination, route, time, date, size, duration, type of underlying service, or other information relating to the communication of such computer system;

“**Service provider**” means:

(1) A person who, either in his own name or in the name of or for the benefit of another person, serve other person in accessing to the internet or capable to communicate by other means passing through computer system;

(2) A person who stores computer data for the benefit of another person under (1);

“**User**” means a person who uses service of the service provider with or without pay;

ขอขอบคุณ นายธีรวัฒน์ เทพหัสดิน ณ อยุธยา ที่ได้ช่วยปรับปรุงร่างกฎหมายฉบับแปลของสำนักงานเลขาธิการคณะกรรมการ
ธุรกรรมทางอิเล็กทรอนิกส์ ศูนย์เทคโนโลยีอิเล็กทรอนิกส์และคอมพิวเตอร์แห่งชาติ สำนักงานพัฒนาวิทยาศาสตร์และเทคโนโลยี
แห่งชาติจนแล้วเสร็จ

ขอเชิญร่างกฎหมายฉบับแปลอยู่ระหว่างการตรวจพิจารณาของสำนักงานคณะกรรมการกฤษฎีกาเพื่อให้เป็น Official Translation ต่อไป

"Competent official" means a person appointed by the Minister for the execution of this Act;

"Minister" means the Minister having charge and control of the execution of this Act.

Section 4 The Minister of Information and Communication Technology shall have charge and control of the execution of this Act and shall have the power to issue Ministerial Regulations for the execution of this Act.

Such Ministerial Regulations shall come into force upon their publication in the Government Gazette.

Part 1

Crime involved with computers

Section 5 Whoever illegally access computer system having specific security measures and such security measures are not intended for his use, shall be punished with imprisonment not exceeding six months or fine not exceeding ten thousand baht or both.

Section 6 Whoever knows security measures to access computer system which specifically created by another person, and illegally disclose such security measures in a manner likely to cause injury to another person, shall be punished with imprisonment not exceeding one year or fine not exceeding twenty thousand baht or both.

Section 7 Whoever illegally access computer data having specific security measures and such security measures are not intended for his usage, shall be punished with imprisonment not exceeding two years or fine not exceeding forty thousand baht or both.

Section 8 Whoever illegally intercept, by electronic means or by any means whatever, computer data of another person transmitting in computer system, and such computer data will not be benefit to the public or not available for other person, shall be punished with imprisonment not exceeding three years or fine not exceeding sixty thousand baht or both.

Section 9 Whoever damages, destroys, alters, modifies, or adds to whole or part of computer data of another person without authorization, shall be punished with imprisonment not exceeding five years or fine not exceeding one hundred thousand baht or both.

Section 10 Whoever, by any means whatever without authorization, causes suspension, deceleration, obstruction, or interference with computer system of another person, in order that such computer system cannot function normally, shall be punished with imprisonment not exceeding five years or fine not exceeding one hundred thousand baht or both.

Section 11 Whoever, by forging or altering its sources, sends computer data or electronic mail to another person so as to interfere normal computer usage of another person, shall be punished with fine not exceeding one hundred thousand baht.

Section 12 If the offence mentioned in article 9 and article 10:

(1) has caused injury to the public, neither such damage shall take place immediately nor afterward nor simultaneously, shall be punished with imprisonment not exceeding ten years and fine not exceeding two hundred thousand baht;

(2) has diminishes, by any means whatever, to cause injury computer data or computer system relating national security, public safety, economic stability, or public utilities, or committed against computer data or computer system provided for the public, shall be punished with imprisonment of three to fifteen years and fine of sixty thousand to three hundred thousand baht.

If the offence mentioned in (2) causes death to other person shall be punished with imprisonment of ten to twenty years.

Section 13 Whoever disposes or disseminates specific designed program for the commission of the offence according to the section 5, section 6, section 7, section 8, section 9, section 10, and section 11, shall be punished with imprisonment not exceeding one year and fine not exceeding twenty thousand baht or both.

Section 14 Whoever commits the following offences, shall be punished with imprisonment not exceeding five years and fine not exceeding one hundred thousand baht or both:

(1) input, into computer system, forged computer data in whole or in part or false computer data in a manner likely to cause injury to another person or the public;

(2) input, into computer system, false computer data in a manner likely to cause injury to nation security or public panic;

(3) input, into computer system, any computer data which is the commission of the offence relating to national security or terrorism according to the criminal code;

(4) input, into computer system, any obscene computer data which is accessible to the public;

(5) publish and forward computer data with the knowledge of the foresaid offence according to (1) (2) (3) or (4).

Section 15 Any service provider intentionally supports or consents to commit the offence under section 14 in the computer system under his control, shall receive the same punishment as prescribed in section 14. (shall receive the same punishment as prescribed for the offender under section 14.)

Section 16 Whoever inputs, into computer system to which the public can access, photographs of another person and such photographs are developed, edited, added or altered by electronic or any other means in a manner likely to impair the reputation of such other person, to expose such other person to public hatred or contempt, or to shame, shall be punished with imprisonment not exceeding three years and fine not exceeding sixty thousand baht or both.

If the offence according to the first paragraph be honestly input computer data, such person shall not be guilty.

The offence according to the first paragraph is compoundable offence.

If the injured party in the offence according to the first paragraph dies before making a complaint, the father, mother, spouse, or child of the deceased may make a complaint on his or her behalf, and it shall be deemed that the person making the complaint is the injured party.

Section 17 Whoever commits an offence according to this Act outside the Kingdom shall be punished in the Kingdom, provided that:

(1) the offender be a Thai, and there be a complaint from the Government of the country where the offence has been committed or from the injured person, or;

(2) the offender be an alien, and the Thai Government or a Thai be the injured person, and there be a complaint from the injured person.

Part 2 **Competent Official**

Section 18 Subject to section 19, for the purpose of investigate and inquiry, in the case where there is reasonable ground to believe that an offence under this Act has been committed, the competent official, in so far as it is necessary to collect evidence concerning to the offence or to ascertain the offender, shall have the following powers:

(1) to notify or to summon any person related to the offence prescribed by this Act to give statements or to send explanation in writing or to furnish document, information, or other evidence in understandable form;

(2) to summon traffic data concerning the communication transferred computer system from the service provider or other person concerned;

(3) to order the service provider to submit, to the competent official, related information of his user which has been kept under section 26 or being in his possession or control;

(4) to copy, in case where computer system is not in his possession, the computer data, traffic data from the computer system that is reasonably believed of committing the offence under this Act;

(5) to order the possessor or controller of computer data or equipment for storing computer data to deliver to him such computer data or equipment;

(6) to verify or to access the computer system, computer data, traffic data or equipment for storing computer data of any person which is evidence or may be used as evidence in connection with the commission of the offence, or investigate to ascertain an offender, and instruct such person to deliver to him computer data, traffic data as necessity persists;

(7) to decrypt computer data of any person or require person concerning with encryption of computer data to decrypt it or to afford him every reasonable facility to decrypt such computer data;

(8) to seize or to attach as necessary computer system for the purpose of ascertaining the particulars of an offence and the offender under this Act.

Section 19 In exercising his power under section 18 (4) (5) (6) (7) and (8), the Competent Official should have to file a motion application to the competent Court for granting such application. The application should identify reasonable grounds to believe that an offence has been committed by a person, or has been found attempting to commit an

offence under this Act, the purpose for exercising his power, description of the offence, a detailed note of devices used in committing an offence and the offender in detail, as far as possible. In the trial of such application, the Court shall proceed without delay.

After the application has been granted, the competent official, before issuing the order of the Court, shall send, to the owner or occupant of computer system, a note identified the cause of using the power under section 18 (4) (5) (6) (7) and (8). If there is no such owner or occupant there, the competent official should send a copy of that note to the owner or occupant as soon as possible.

The competent official in chief, who is responsible for its execution under section 18 (4) (5) (6) (7) and (8), shall send, as evidence, a detailed note including the reason of execution to the competent Court within forty-eight hours after the execution.

A copy of computer data under section 18 (4) shall be made only when there are reasonable grounds to believe that an offence has been committed under this Act, and shall not established any unnecessary obstacle to the exercise of the owner or occupant of computer data.

Beside of sending, as evidence, the detailed note of seizure or attachment under section 18(4) to the owner or occupant of computer data, the competent official shall seize or attach the computer system not exceeding thirty days. In case in which it has been necessary, in order to seize or attach it more than the said period, the application note for extending of such period shall be submitted to the competent Court, but the total period, which the Court shall issue an order granting, either for one or several successive, shall not exceeded sixty days. Where there has not been necessary to seize or to attach or upon the expiration of such period, the competent official must rend the computer system without delay.

The details of note of seizure or attachment under paragraph five shall be prescribed by the Ministerial Regulations.

Section 20 If the offences under this Act is the publication of computer data relating to the Security of the Kingdom as prescribed under Book II, title 1, or title 1/1 or the penal code, or the interest of the maintenance of public order or good moral of the people, the competent official by the consent of the Minister shall submit the request together with evidence to competent Court in order to extinguish such publication.

In case that the Court have an order to block such publication under paragraph one, the competent official himself may block or order another service provider for blocking such publication.

Section 21 In case where the competent official find that computer data comprise with undesirable program, he shall submitted an application note to the competent Court in order to prohibit its sale or publication or order the owner or occupant of such computer data to deprive the use, destroy, modify or issue an order fixing conditions on using, processing or disseminating such undesirable programs.

Undesirable program under paragraph one means any program which damage, destroy, alter, change or corrupt computer data, computer system or any computer programs, or render them unable to function, or instructed or any other means as prescribe by the Ministerial Regulation. Unless programs which aim to protect or modify such undesirable programs as specified by the Minister publishing in the Government Gazette.

Section 22 No competent official shall disclose or deliver computer data, traffic data, or user's data that he utter under section 18 to any person.

Paragraph one shall not apply to an act carried out for the purpose of the proceeding with the offender under this Act or with the competent official concerning wrongful exercise of his duty as well as issuing an order or permission from the Court.

The competent official who breach the provision of paragraph one, shall be punished with imprisonment not exceeding three years or fine not exceeding sixty thousand baht or both.

Section 23 Any competent official commit by negligence which caused another person to know computer data, traffic data, or user's data uttered under section 18, shall be punished with imprisonment not exceeding one year or fine not exceeding twenty thousand baht or both.

Section 24 Whoever knows the computer data, traffic data, or user's data which the competent official uttered under section 18 and disclose such data to another person, shall be punished with imprisonment not exceeding two years or fine not exceeding forty thousand baht or both.

Section 25 Data, computer data or traffic data which the competent official uttered under this Act, shall be alleged and be admissible as evidence according to the provision of the Criminal Procedure Code or other law relevant to evidence. But it shall not obtain by means of persuasion, promise, threat, swindling, or other illegal acts.

Section 26 Traffic data shall be kept by service provider not exceeding ninety days as from the day following the access into computer system. In case in which it has been necessary, the competent official shall order as particular case and time, any service provider to keep it more than ninety days, but not exceeding one year.

Service provider shall keep, as necessary, user's data in order to indentify the user as from the beginning of use service and store it not less than ninety days after the termination of service.

Provision or paragraph one shall apply to a kind of service provider, how, and when shall be prescribed by the Minister publishing in the Government Gazette.

Any service provider fail to comply with this section, shall be punished with fine not exceeding five hundred thousand baht.

Section 27 Whoever refuse to comply with an order of the Court or the competent official pursuant to section 18 or section 20, or refuse to comply with an order of the Court pursuant to section 21, shall be punished with fine not exceeding two hundred thousand baht and a daily fine not exceeding five thousand baht until he should properly comply with such order.

Section 28 The Minister shall appoint the competent official under this Act from person having knowledge and experience on computer system as well as having the qualification prescribed by him.

Section 29 In perform of duties under this Act, the competent official shall be a Superior Administrative or Police Official under the Criminal Procedure Code having the power to receive complaint or denunciation as well as the power to investigate and inquiry in particular with the offence under this Act.

Arrest, confine, search, making inquiry file and instituting the criminal prosecution with offender under this Act as Superior Administrative or Police Official under the Criminal Procedure Code, the competent official shall cooperate with responsible inquiry official to comply with his power and duty.

The Prime Minister charging as superintendence of the National Police Bureau together with the Minister shall jointly determine regulations relating to the guidelines and

procedures as prescribed in paragraph two.

Section 30 To perform duties under this Act, the competent official shall present his identity card to the person concerned.

The form of his identity card shall be prescribed by the Minister and published in the Government Gazette.

Countersigned by

General Surayud Chulanont

Prime Minister