

Tentative Translation\*

**DEVELOPMENT OF DIGITALITY FOR ECONOMY AND SOCIETY ACT,  
B.E. 2560 (2017)**

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HIS MAJESTY KING MAHA VAJIRALONGKORN BODINDRADEBAYAVARANGKUN;  
Given on the 23<sup>rd</sup> Day of January B.E. 2560;  
Being the 2<sup>nd</sup> Year of the Present Reign.

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

Whereas it is expedient to have the law on development of digitality for economy and society;

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 “Development of Digitality for Economy and Society Act, B.E. 2560 (2017)”.

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

**Section 3.** In this Act:  
“digitality” means the technology making use of zero and one symbols or other symbols to represent values of all things for the purposes of creating or producing systems for human use;

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\* Translated by Associate Professor Dr. Pinai Nanakorn under contract for the Office of the Council of State of Thailand's Law for ASEAN project. – Tentative Version – subject to final authorisation by the Office of the Council of State.

<sup>1</sup> Published in Government Gazette, Vol. 134, Part 10a, dated 24<sup>th</sup> January 2017.

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“digitality for economy and society” means the economic and social system under which communications, production, consumption, utilisation, distributions and supplies, electronic commerce, electronic transactions, transport, logistics, education, agriculture, industry, public health, finance and investment, taxation, management of information and contents or any other economic and social activities or any affairs are processed or operated through digital application or electronic application, including such application in sound broadcasting undertakings, television undertakings, radio communication undertakings, telecommunication undertakings, satellite communication undertakings and frequency management by means of the infrastructure of information and communication technology as well as converged technology or any other technology of the similar or like nature;

“State agency” means a Government agency, a State enterprise, a public organisation, an autonomous body and any other State agency and also includes a board, commission or committee which has powers and duties in connection with any affairs making use of digitality;

“State enterprise” means a State enterprise under the law on budgetary procedures;

“Commission” means the National Commission on Digitality for Economy and Society;

“Secretary-General” means the Secretary-General of the National Commission on Digitality for Economy and Society;

“Office” means the Office of the National Commission on Digitality for Economy and Society;

“Fund” means the Development of Digitality for Economy and Society Fund;

“Fund Executive Committee” means the Executive Committee of the Development of Digitality for Economy and Society Fund;

“Director” means the Director of the Digital Economy Promotion Agency;

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

**Section 4.** The Minister of Digital Economy and Society shall have charge and control of the execution of this Act.

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CHAPTER I  
DEVELOPMENT OF DIGITALITY FOR ECONOMY AND SOCIETY

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**Section 5.** For the purpose of ensuring that the development of digitality shall be of economic and social value to the nation as a whole, the Council of Ministers shall put in place the national policy and plan on the development of digitality for economy and society in accordance with the recommendation of the Commission.

The promulgation and amendment of the national policy and plan on the development of digitality for economy and society shall be by a Royal Command and published in the Government Gazette.

Upon promulgation of the national policy and plan on the development of digitality for economy and society, State agencies shall carry out activities within their powers and duties in line with such national policy and plan.

**Section 6.** The national policy and plan on the development of digitality for economy and society has at least the following goals and directions:

(1) operations and development to effectuate optimal benefits from the application of digital technology by one of the methods capable of mutual utilisation or interoperability or any other method saving national resources, engendering convenience to persons concerned and also generating the enhancement of efficiency in the expenditure of annual budgets;

(2) the development of digital technology infrastructure essential for the economic and social development, which must cover networks for communication and sound and video broadcasting in all modes, whether the land mode, water mode, aerial mode or space mode, and goals for the use of frequencies in a manner generating optimal benefits to the economic and social development as well as benefits of the public at large;

(3) the promotion and encouragement of service systems or applications usable through digital technology;

(4) the promotion of standards or rules for uniform application of digital technology with a view to achieving secure interoperability and availability of systems and achieving trustworthiness of systems or services, and directions for promoting the application of digital technology in electronic transactions and electronic commerce and for assuring access and

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utilisation by members of the public in an equal, comprehensive, fair and non-discriminatory manner;

(5) the promotion and encouragement of the development of industries and innovations in digital technology and the development of the application of digital technology for creating or disseminating contents via media engendering benefits to the economy, society, cultures and national security;

(6) the promotion and encouragement of the production and development of manpower in a way triggering readiness for and knowledge in digital technology, the promotion and encouragement of the application of digital technology by State agencies and private agencies in a manner engendering economic and social benefits, the creation of awareness and intricacy of media as well as other information and the promotion and encouragement of the reduction of the disparity in the access to services necessary for the development of the public quality of life;

(7) the development of digital databanks and databases, the management of knowledge and the promotion of systems serving as centres for learning and providing electronically updated data capable of utilisation in the forms suitable to contemporary times.

## CHAPTER II COMMISSION

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### PART I NATIONAL COMMISSION ON DIGITALITY FOR ECONOMY AND SOCIETY

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**Section 7.** There shall be the National Commission on Digitality for Economy and Society, consisting of:

- (1) Prime Minister, as Chairperson;
- (2) Deputy Prime Minister as entrusted by Prime Minister, as Vice Chairperson;
- (3) *ex officio* members, consisting of Minister of Defence, Minister of Finance, Minister of Agriculture and Co-operatives, Minister of Transport, Minister of Digital Economy and Society, Minister of Commerce, Minister of Interior, Minister of Science and Technology, Minister

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of Education, Minister of Public Health, Minister of Industry, Secretary-General of the National Economic and Social Development Board and the Governor of the Bank of Thailand;

(4) not less than five but not more than eight qualified members appointed by the Council of Ministers.

The Permanent Secretary for Digital Economy and Society shall be a member and secretary and the Secretary-General shall be a member and assistant secretary.

Qualified members under paragraph one shall be appointed by the Council of Ministers from persons possessing apparent knowledge, expertise and capability in the fields of information and communication technology, economics, social science, business administration or law or other relevant fields beneficial to the operation of work of the Commission.

The rules and procedures for the selection of persons to be nominated to the Council of Ministers for appointment as qualified members and the selection of qualified members to replace the persons vacating office before the expiration of the term under section 9 paragraph two shall be in accordance with the Rule prescribed by the Council of Ministers upon recommendation by the Commission.

**Section 8.** A qualified member must possess the qualifications and must not be under the prohibitions as follows:

- (1) being of Thai nationality;
- (2) being of not over sixty-five years of age;
- (3) not being a bankrupt or having been a dishonest bankrupt;
- (4) not being an incompetent person or a quasi-incompetent person;
- (5) not having been sentenced by a final judgment to a term of imprisonment, except for an offence committed through negligence or a petty offence;
- (6) not having been expelled, dismissed or removed from the official service, a State agency or a private agency on the ground of dishonesty in the performance of duties or grave misconduct;
- (7) not engaging in any other freelance occupation or profession or being a director, manager or employee of any private organisation whose interests or benefits conflict, whether directly or indirectly, with the performance of duties as a member;

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(8) not being a holder of a political position, a member of a local assembly, a local administrator, an executive member or a holder of any position responsible for the administration of a political party, an adviser to a political party or an official of a political party.

**Section 9.** A qualified member shall hold office for a term of four years.

In the case where a qualified member is appointed as an additional member or as a member replacing the qualified member who vacates office before the expiration of the term, the Council of Ministers may appoint an additional or replacing member and such additional or replacing qualified member shall hold office for the remaining term.

Upon the expiration of the term under paragraph one, if the appointment of new qualified members has not yet been made, the qualified members who vacate office shall remain in office in the interest of the continuance of work until new qualified members are appointed.

For the purpose of acquiring a new set of qualified members for performing duties at the expiration of the term of an original set of qualified members, a selection of a new set of qualified members shall be made not less than sixty days before the expiration of the term of the original set of qualified members.

A qualified member who vacates office upon the expiration of the term may be re-appointed but may not serve for more than two consecutive terms.

**Section 10.** In addition to the vacation of office upon the expiration of the term, a qualified member vacates office upon:

- (1) death;
- (2) resignation;
- (3) being removed by the Council of Ministers;
- (4) being disqualified or being under any prohibition under section 8.

**Section 11.** The Commission shall have the powers and duties, as follows:

(1) to prepare, for submission to the Council of Ministers for consideration and approval, the national policy and plan on the development of digitality for economy and society, which must at least contain the goals specified under section 6;

(2) to make recommendations to the Council of Ministers for determining policies and directions in connection with fiscal, financial or investment matters, including measures related to

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taxes and benefits, in respect of or for the purpose of the development of digitality for economy and society, and make recommendations of public procurement measures capable of eradicating problems and obstacles surrounding the development of digitality for economy and society;

(3) to make recommendations to the Council of Ministers in connection with the implementation of the national policy and plan on the development of digitality for economy and society;

(4) to issue rules in connection with the administration of the Fund, the procurement of interests from and the management of the Fund and the retention as well as disbursement of money and properties of the Fund, provided that they shall be considered in line with the law on the administration of revolving funds;

(5) to make recommendations to the Council of Ministers in connection with the enactment or revision of law related to the development of digitality for economy and society;

(6) to report to the Council of Ministers with a view to its passing resolutions suspending any agency's operation which is not in line with the national policy and plan on the development of digitality for economy and society;

(7) to issue Notifications or Rules in the execution of this Act;

(8) to perform any other duties as entrusted by the Prime Minister or the Council of Ministers or as provided by law to be the duties of the Commission.

**Section 12.** There shall be an advisory committee, with the powers and duties in connection with the collection of opinions, the provision of advice and recommendations or the performance of any particular act as entrusted by the Commission.

The rules and procedures in connection with the appointment, qualifications and prohibitions, the composition and performance of duties and the term of office as well as vacation of office of the advisory committee shall be in connection with the Rule prescribed by the Commission.

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**PART II**  
**SPECIFIC COMMITTEES**

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**Section 13.** For the purpose of carrying out activities in accordance with the powers and duties of the National Commission on Digitality for Economy and Society under section 11, there shall be the following specific committees for performing duties in respect of the following matters:

(1) the Committee on Digital Infrastructure, with the powers and duties to prepare, recommend, and monitor the implementation of, the national policy and plan on the development of digitality for economy and society in respect of matters under section 6 (2), (3) and (4) and other national policies and plans designated by the Commission;

(2) the Committee on Promotion and Development of Digitality for Economy and Society, with the powers and duties to prepare, recommend, and monitor the implementation of, the national policy and plan on the development of digitality for economy and society in respect of matters under section 6 (5), (6) and (7) and other national policies and plans designated by the Commission;

(3) other specific committees appointed by the Commission with the approval of the Council of Ministers for performing duties as designated by the Commission.

**Section 14.** Subject to section 13, each specific committee shall have the powers and duties as follows:

(1) to collect information and prepare specific policies and plans as well as directions and measures for the promotion and development of digital economy and society in respect of matters within the responsibility of such specific committee and submit the same to the Commission to assist the preparation of the national policy and plan on the development of digitality for economy and society;

(2) to make recommendations to the Commission in connection with the implementation of specific policies and plans and also recommend measures for handling and resolving problems and obstacles in the implementation of such specific policies and plans;

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(3) to monitor and appraise the implementation of the national policy and plan on the development of digitality for economy and society as well as specific policies and plans within its responsibility and report it to the Commission;

(4) to supervise the implementation of specific actions plans and work plans of State agencies and the promotion of digital economy in Chapter 5 within the scope of powers of such specific committee;

(5) to invite any State agency or person to give facts, opinions or recommendations and furnish relevant documents or evidence to assist its operation of work;

(6) to perform other duties as entrusted by the Commission or as provided by law to be the duties of the specific committee.

In reporting the operation of work to the Commission under (1), if the specific committee considers that any mission or work has no responsible person or the responsible State agency fails to take action or takes action in a manner not corresponding to the determined goals or causing injury in whole or in part, the specific committee may recommend directions or measures for the operation of activities, provided that the Digital Economy Promotion Agency or any other State agency may be designated to carry out such mission or work instead. Such recommendation shall be submitted to the Commission for consideration and further submission to the Council of Ministers for approval. In the case where it is necessary, the Fund may provide financial support for all or part of the operations in accordance with the Rule prescribed by the Commission.

**Section 15.** Each specific committee under section 13 (1) and (2) shall consist of:

(1) one member of the Commission, as appointed by the Commission, as Chairperson;

(2) members appointed by the Commission from representatives of the following agencies, provided that one representative shall be from each agency:

(a) with respect to the specific committee under section 13 (1): a representative of the Ministry of Defence, a representative of the Ministry of Finance, a representative of the Ministry of Tourism and Sports, a representative of the Ministry of Agriculture and Co-operatives, a representative of the Ministry of Energy, a representative of the Ministry of Commerce, a representative of the Ministry of Interior, a representative of the Ministry of Industry, a representative of the Bureau of the Budget, a representative of the Office of the Public Sector

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Development Commission, a representative of the Office of the National Broadcasting and Telecommunication Commission, a representative of the Bank of Thailand, a representative of the Electronic Transactions Development Agency (Public Organisation) and a representative of the Electronic Government Agency (Public Organisation);

(b) with respect to the specific committee under section 13 (2): a representative of the Ministry of Finance, a representative of the Ministry of Tourism and Sports, a representative of the Ministry of Social Development and Human Security, a representative of the Ministry of Agriculture and Co-operatives, a representative of the Ministry of Commerce, a representative of the Ministry of Culture, a representative of the Ministry of Science and Technology, a representative of the Ministry of Public Health, a representative of the Ministry of Education, a representative of the Ministry of Industry, a representative of the Department of Intellectual Property, a representative of the Office of the Board of Investment, a representative of the Bank of Thailand, a representative of the Office of Knowledge Management and Development (Public Organisation), a representative of the National Science and Technology Development Agency and a representative of the Digital Economy Promotion Agency;

(3) not more than six qualified members appointed by the Commission, as members;

(4) Secretary-General, as a member and secretary.

The rules and procedures for the selection of persons suitable for appointment as qualified members shall be in accordance with the Rule prescribed by the Commission.

**Section 16.** The provisions of section 8, section 9 and section 10 shall apply to qualified members of a specific committee *mutatis mutandis*.

**Section 17.** The Office shall be responsible for clerical work of the Commission and specific committees and shall also have the powers and duties as follows:

(1) to prepare a draft national policy and plan on the development of digitality for economy and society in accordance with the goals determined by the Commission, for submission to the Commission;

(2) to prepare draft specific policies and plans in accordance with the goals determined by the specific committees and in line with the national policy and plan on the development of digitality for economy and society, for submission to specific committees;

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(3) to co-ordinate and co-operate with the Digital Economy Promotion Agency in connection with the digital economy promotion, the preparation of the strategic plan on digital economy promotion and the operation of work in line with the national policy and plan on the development of digitality for economy and society, in particular, in respect of the digital economy promotion;

(4) to serve as a focal point for co-ordinating and supporting the operation of work in accordance with the national policy and plan on the development of digitality for economy and society as well as specific policies and plans;

(5) to survey, gather information on and follow situational movements in connection with the development of digitality for economy and society and trends of the development of digitality for economy and society and conduct analysis and research of issues concerning digital economy and society which have impacts on national development, for submission to the Commission or specific committees;

(6) to monitor and appraise the implementation of the national policy and plan on the development of digitality for economy and society, action plans, work plans and measures concerned and report the same to the Commission and specific committees;

(7) to co-operate and co-ordinate with State agencies and private agencies concerned with the administration and development of digitality for economy and society under this Act and other relevant laws;

(8) to study, analyse, consider or carry out any other matter as entrusted by the Commission or specific committees or in execution of this Act;

(9) to exercise other powers and perform other duties designated or entrusted by the Commission or as provided by law to be the powers and duties of the Office.

**Section 18.** A specific committee shall have the power to appoint a sub-committee for performing any particular act as entrusted by the specific committee.

**Section 19.** A meeting of the Commission, a specific committee, an advisory committee and a sub-committee shall be in accordance with the Rules prescribed by the Commission.

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**Section 20.** The Chairperson, Vice Chairperson, member, adviser, member of a specific committee and member of a sub-committee shall be entitled to meeting allowances or remuneration in accordance with the rules prescribed by the Council of Ministers.

**CHAPTER III**  
**NATIONAL POLICY AND PLAN ON THE DEVELOPMENT OF**  
**DIGITALITY FOR ECONOMY AND SOCIETY**

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**Section 21.** Upon promulgation of the national policy and plan on the development of digitality for economy and society in accordance with the provisions of section 5, all State agencies shall carry out activities in the implementation of such national policy and plan and the Bureau of the Budget shall set aside the budget for State agencies in line with such policy and plan.

**Section 22.** State agencies which have the duty to carry out missions specified in the national policy and plan on the development of digitality for economy and society shall prepare or revise their existing action plans or work plans in line with such national policy and plan without delay and furnish them to specific committees entrusted by the Commission for information.

In the case where the specific committee entrusted by the Commission considers that the action plans or work plans received under paragraph one are not yet in line with the national policy and plan on the development of digitality for economy and society, the specific committee shall notify the State agency in charge of the plans to carry out revision in line with such national policy and plan. In the case where the specific committee and the State agency disagree, the matter shall be referred to the Commission for final decision. The decision of the Commission shall be final.

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CHAPTER IV  
DEVELOPMENT OF DIGITALITY FOR ECONOMY AND SOCIETY FUND

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PART I  
ESTABLISHMENT OF THE FUND

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**Section 23.** There shall be established within the Office of the National Commission on Digitality for Economy and Society a fund called the “Development of Digitality for Economy and Society Fund” to be expended on matters concerning the development of digitality for economy and society and for the purpose of the implementation of the national policy and plan on the development of digitality for economy and society as well as the strategic plan on digital economy promotion.

**Section 24.** The Fund shall consist of the money and properties as follows:

- (1) the inauguration money distributed by the Government under section 60;
- (2) the subsidy distributed by the Government from annual appropriations;
- (3) the money received from the allocation of frequencies under the law on the agency for allocation of frequencies and regulation of radio broadcasting, television broadcasting and telecommunication businesses, provided that the Office of the NBTC shall make the distribution at the rate of fifteen percent of the revenues from such allocation of frequencies;
- (4) the money distributed from the revenues, except fruits thereof, of the Office of the NBTC under section 65 (1) and (2) of the Act on the Agency for Allocation of Frequencies and Regulation of Radio Broadcasting, Television Broadcasting and Telecommunication Businesses, B.E. 2553 (2010), provided that the Office of the NBTC shall make the distribution at the rate of fifteen percent of such revenues of the Office of the NBTC;
- (5) the money transferred to the Fund by the NBTC under section 25;
- (6) the money or property donated or given by other persons;
- (7) the money or property which vest in the Fund or received by the Fund under the law;
- (8) remuneration, service fees or revenues from the operations of the Office or the Fund, including interests from intellectual property of the Office or the Fund;

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(9) fruits, interests or other revenues accruing on the money or property of the Fund.

The Fund under paragraph one only in respect of the items received under (3) and (4) shall have the maximum amount of cash of not more than five thousand million Baht for each financial year and the Council of Ministers shall have the power to make adjustment for an escalation or reduction the maximum amount, having regard to the sufficiency of the operations in accordance with the objects of the Fund.

Cash of the Fund in excess of the maximum amount specified under paragraph two shall be remitted by the Fund as the State revenue.

**Section 25.** The NBTC shall have the power to entrust the Office to be in charge of, whether wholly or partly in lieu of the NBTC, making available telecommunication services in accordance with the plan on the universal availability of basic telecommunication services and social services under the law on the agency for allocation of frequencies and regulation of radio broadcasting, television broadcasting and telecommunication businesses, and upon such entrustment, the NBTC shall transfer to the Fund money levied from holders of licences for the operation of telecommunication businesses in order for it to be used for making available telecommunication services in accordance with such plan on the universal availability of basic telecommunication services and social services, as is necessary, and the Office shall spend such money only as expenses in connection with the activities entrusted.

**Section 26.** The money of the Fund shall be expended for the following activities:

(1) promoting, supporting or assisting State and private agencies or general members of the public in the development of digitality for economy and society, provided that such promotion, support or assistance must be for benefiting public services and for non-profit purposes, without undermining regular competition in the business of the private sector;

(2) making grants for research and development by State and private agencies or general members of the public on topics related to the development of digitality for economy and society;

(3) making distribution thereof for subsidising the Office in the operation of work within its powers and duties, in addition to the money received from the State appropriations;

(4) making distribution thereof for financing expenses incurred in the operation of the Digital Economy Promotion Agency as the Fund Executive Committee deems appropriate;

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- (5) financing expenses incurred in the administration of the Fund;
- (6) financing other expenses in accordance with the Rule prescribed by the Commission.

**PART II**  
**ADMINISTRATION OF THE FUND**

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**Section 27.** There shall be a committee called the “Executive Committee of the Development of Digitality for Economy and Society Fund”, consisting of:

- (1) Vice Chairperson under section 7 (2), as Chairperson;
- (2) Minister of Digital Economy and Society, as Vice Chairperson;
- (3) Permanent Secretary for Finance, Permanent Secretary for Digital Economy and Society and Director of the Bureau of the Budget, as members;
- (4) three qualified members under section 7 (4) designated by the Commission, as members;
- (5) Secretary-General, as a member and secretary.

**Section 28.** The Fund Executive Committee shall be responsible for the administration of the Fund in accordance with its purposes of under section 23 and shall have the powers and duties as follows:

- (1) to consider and approve the promotion, support or assistance under section 26 (1) and (2) without causing any conflict of interests, in accordance with the rules, procedures and conditions prescribed by the Commission with the approval of the Ministry of Finance;
- (2) to consider and approve the distribution of money or expenses under section 26 (3), (4) and (5);
- (3) to administer the Fund and carry out activities in connection with the procurement of interests from and the management of the Fund in accordance with the rules and conditions prescribed by the Commission;
- (4) to lay down directions for the compliance with the rules on the retention and disbursement of the money and property of the Fund issued under section 11 (4) and for carrying out other necessary activities;

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(5) to monitor and appraise the operation of work in respect of which the promotion, support or assistance is granted out of the Fund;

(6) to report a financial status and the administration of the Fund to the Commission and the Council of Ministers within one hundred eighty days as from the end of the accounting year and make general disclosure of such report to the public;

(7) to appoint sub-committees, working groups or advisers for considering or performing activities as entrusted by the Fund Executive Committee;

(8) to perform other necessary activities in order to achieve the purposes of the Fund.

**Section 29.** A meeting of the Fund Executive Committee shall be in accordance with the Rule prescribed by the Fund Executive Committee.

**Section 30.** The Chairperson, Vice Chairperson and members of the Fund Executive Committee as well as members of a sub-committee or a working group and advisers appointed by the Fund Executive Committee under section 28 (7) shall receive meeting allowances or remuneration in accordance with the Rule prescribed by the Council of Ministers.

**Section 31.** The Office shall be responsible for clerical work of the Fund Executive Committee and also carry out the following activities:

(1) preparing an annual action plan, a financial plan and an annual budget of the Fund for submission to the Fund Executive Committee for approval;

(2) causing an independent third-party appraiser to conduct an appraisal of the operation of the Fund for submission to the Fund Executive Committee;

(3) assisting and giving advice to persons to whom the promotion, support or assistance is granted under section 26;

(4) taking charge of the preparation of a balance-sheet, a financial statement and an operating account of the Fund;

(5) preparing an annual report on the operation of the Fund;

(6) carrying out any other activities under this Act or as entrusted by the Fund Executive Committee.

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**Section 32.** The Fund Executive Committee shall prepare a balance-sheet, a financial statement and an operating account for submission to an auditor within ninety days as from the end of each accounting year.

The Office of the Auditor-General of Thailand or a licensed auditor approved by the Office of the Auditor-General of Thailand shall be the auditor of the Fund every year and prepare an audit report for submission to the Commission for further submission to the Council of Ministers together with the report under section 28 (6). In such report, the Office of the Auditor-General of Thailand shall also include its opinions on efficiency and effectiveness of the use of the money of the Fund.

**Section 33.** The Office shall formulate and maintain an accounting system of the Fund which is correct and suitable for the operation of the Fund and meets generally recognised accounting standards.

## CHAPTER V DIGITAL ECONOMY PROMOTION

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**Section 34.** There shall be the Digital Economy Promotion Agency for the purposes of promoting and encouraging the development of digital industries and innovations, developing and encouraging the application of digital technology for the benefit of the economy, society, cultures and national security.

The Digital Economy Promotion Agency shall be a State agency and have a status as a juristic person without being a Government agency under the law on administrative organisation of State affairs or a State enterprise under the law on budgetary procedures or any other law.

Affairs of the Digital Economy Promotion Agency are not subject to the law on labour protection, the law on labour relations, the law on State enterprises labour relations, the law on social security and the law on compensation but officials or employees of the Office must receive no inferior benefits to those provided for under the law on labour protection, the law on social security and the law on compensation.

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**Section 35.** In addition to the power and duty to carry out activities in accordance with the purposes under section 34, the Digital Economy Promotion Agency also has the powers and duties as follows:

(1) to prepare a strategic plan on digital economy promotion in line with the national policy and plan on the development of digitality for economy and society;

(2) to promote and encourage the investment or the operation of business in connection with digital industries or innovations;

(3) to promote, encourage and co-operate with other persons in the development of digital industries or innovations;

(4) to promote, encourage and carry out activities in connection with the development of personnel in the field of digital industries or innovations;

(5) to recommend, accelerate and follow the revision of law, regulations or rules or measures in connection with the protection of intellectual property in digital industries or innovations to or with agencies concerned;

(6) to perform other duties as entrusted by the Commission, specific committees or the Supervisory Committee of the Digital Economy Promotion Agency.

The conduct of activities under (2), (3), (4) and (5) must be in line with the strategic plan on digital economy promotion.

Digital industries or innovations shall also include the industries or innovations involving the application of digital technology for creating or disseminating contents via media which are beneficial to the economy, society, cultures and national security.

**Section 36.** There shall be the Supervisory Committee of the Digital Economy Promotion Agency, consisting of a person appointed by the Minister as Chairperson, Permanent Secretary for Digital Economy and Society and Secretary-General as members, and not less than four but not more than six qualified members appointed by the Minister, to be in charge of supervising and monitoring the operation of work of the Digital Economy Promotion Agency.

The Director shall be the secretary of the Supervisory Committee of the Digital Economy Promotion Agency.

The Chairperson and qualified members under paragraph one shall be appointed by the Minister from persons possessing apparent knowledge, expertise and capability in the fields of information and communication technology, economics, social science, business administration

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or law or other relevant fields beneficial to the operation of work of the Supervisory Committee of the Digital Economy Promotion Agency, in accordance with the rules and procedures prescribed by the Commission.

The provisions of section 8 and section 10 shall apply to the Chairperson and qualified members *mutatis mutandis*.

**Section 37.** The Chairperson and qualified members of the Supervisory Committee of the Digital Economy Promotion Agency shall hold office for a term of four years.

In the case where a Chairperson is appointed to replace the Chairperson who vacates office before the expiration of the term, the Minister may appoint a Chairperson to fill the vacancy and the person so appointed as Chairperson to fill the vacancy shall hold office for the remaining term.

In the case where a qualified member is appointed as an additional member or as a member replacing the qualified member who vacates office before the expiration of the term, the Minister may appoint an additional or replacing member and such additional or replacing qualified member shall hold office for the remaining term.

In the case where the Chairperson or the qualified member vacates office upon the expiration of the term, the Chairperson or the qualified member shall continue to perform duties until the appointment of the new Chairperson or qualified members is made.

The Chairperson or the qualified member who vacates office upon the expiration of the term may be re-appointed but may not serve for more than two consecutive terms.

**Section 38.** A meeting of the Supervisory Committee of the Digital Economy Promotion Agency shall be in accordance with the Rule prescribed by the Supervisory Committee of the Digital Economy Promotion Agency.

**Section 39.** The Chairperson and members of the Supervisory Committee of the Digital Economy Promotion Agency shall receive meeting allowances or remuneration in accordance with the rules prescribed by the Commission.

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**Section 40.** In addition to the powers and duties under section 36, the Supervisory Committee of the Digital Economy Promotion Agency shall also have the powers and duties as follows:

(1) to approve the strategic plan on digital economy promotion prepared by the Digital Economy Promotion Agency under section 35 (1);

(2) to lay down Rules or Regulations in connection with personnel administration, finance or other activities necessary for the administration of work of the Digital Economy Promotion Agency, provided that such Rules or Regulations must be intended to facilitate flexibility, efficiency and accountability;

(3) to appoint and remove the Director and determine a monthly salary and other benefits of the Directors;

(4) to perform other duties under this Act or as entrusted by the Commission.

In the performance of work under paragraph one, the Supervisory Committee of the Digital Economy Promotion Agency may appoint sub-committees for considering, recommending or carrying out any particular matters as entrusted by the Supervisory Committee of the Digital Economy Promotion Agency.

**Section 41.** The strategic plan on digital economy promotion prepared by the Digital Economy Promotion Agency under section 35 (1) must be in line with the national policy and plan on the development of digitality for economy and society and must at least contain the following matters as well:

(1) directions for promoting and encouraging the application of digital technology for creating or disseminating contents via media which are beneficial to the economy, society, cultures and national security;

(2) directions for promoting and encouraging industries and innovations or research in digital technology;

(3) directions for promoting and encouraging the marketing, investment, processes of production and the provision of services relating to digital technology;

(4) directions for promoting and encouraging the production and development of manpower in digital industries and innovations in a manner corresponding to the demand of the country;

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(5) directions for promoting and developing the application of digital technology to the business or industry;

(6) directions for promoting and encouraging the dissemination of knowledge facilitating public use of digital technology in a worthy, economical and safe manner;

(7) directions for promoting and encouraging the development of digital technology in accordance with international designing principles and the development of assistive technology;

(8) directions for promoting and facilitating the investment in digital industries and innovations;

(9) directions for promoting and encouraging studies, surveys, research and transfers of technology and innovations which are necessary for the development of digital industries.

**Section 42.** When the Supervisory Committee of the Digital Economy Promotion Agency has approved the strategic plan prepared under section 35 (1), the Digital Economy Promotion Agency shall take action in the strict implementation of such plan. In the case where the implementation of such plan falls within the powers and duties of other agencies or necessitates support from other agencies, such strategic plan shall be submitted to the Commission for approval and, upon approval by the Commission, the Digital Economy Promotion Agency shall notify State agencies concerned for information and consistent implementation.

**Section 43.** In addition to the power to carry out activities in accordance with the purposes under section 34, the Digital Economy Promotion Agency shall also have the powers and duties as follows:

(1) to hold ownership and have possessory rights and real rights;

(2) to establish rights or enter into juristic acts of all kinds in the interest of the operation of work of the Digital Economy Promotion Agency;

(3) to enter into agreements and co-operation with other organisations or agencies in both public and private sectors in the country or in foreign countries in relation to the affairs concerning the operation of activities in pursuit of the purposes of the Digital Economy Promotion Agency;

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(4) to hold shares or enter into a partnership or joint venture with other persons with a view to achieving the purposes under section 34;

(5) to borrow money in the interest of the operation of activities in pursuit of the purposes of the Digital Economy Promotion Agency;

(6) to collect fees, charges, remuneration and service charges for the operation of activities in pursuit of the purposes of the Digital Economy Promotion Agency, in accordance with the rules and rates prescribed by the Supervisory Committee of the Digital Economy Promotion Agency;

(7) to carry out any other activity necessary for or incidental to the achievement of the purposes of the Digital Economy Promotion Agency.

The investment under (4) and the borrowing of money under (5) shall be in accordance with the rules and conditions prescribed by the Supervisory Committee of the Digital Economy Promotion Agency.

**Section 44.** The Digital Economy Promotion Agency may have incomes from:

(1) the inauguration fund distributed by the Government under section 60;

(2) the money or property transferred under section 62;

(3) general subsidies annually distributed by the Government as appropriate;

(4) the money or property donated or given by other persons;

(5) fruits, interests or any other incomes accruing on the operation of the Digital Economy Promotion Agency.

The property of the Digital Economy Promotion Agency shall not be subject to any legal execution.

The money and property of the Digital Economy Promotion Agency are not required to be remitted as the State revenue except that fruits and interests or other incomes under paragraph one (5) which remain after the expenditure in accordance with the powers and duties of the Digital Economy Promotion Agency shall be remitted as the State revenue.

**Section 45.** The Digital Economy Promotion Agency shall have one Director appointed by the Supervisory Committee of the Digital Economy Promotion Agency, who shall be in charge of the administration of affairs of the Digital Economy Promotion Agency and answerable to the Supervisory Committee of the Digital Economy Promotion Agency, and there

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may be the Deputy Director who shall, next after the Director, assist the Director in giving directions and performing activities.

The appointment of the Director under paragraph one shall be in accordance with the selection rules and procedures prescribed by the Supervisory Committee of the Digital Economy Promotion Agency.

**Section 46.** The Director must possess the qualifications and must not be under the prohibitions as follows:

- (1) being of Thai nationality;
- (2) being able to work for the Digital Economy Promotion Agency on a full-time basis;
- (3) being of not over fifty-five years of age on the date of the appointment;
- (4) being a person with the knowledge, capability and experience in the fields of industry or business development, digital economy and administration;
- (5) not being a bankrupt or having been a dishonest bankrupt;
- (6) not being an incompetent person or a quasi-incompetent person;
- (7) not having been sentenced by a final judgment to a term of imprisonment, except for an offence committed through negligence or a petty offence;
- (8) not having been expelled, dismissed or removed from the official service, a State agency or a State enterprise or from a private agency, on the ground of dishonesty in the performance of duties or grave misconduct;
- (9) not having been removed from office under the law;
- (10) not being a holder of a political position, a member of a local assembly, a local administrator, an executive member or a holder of any position responsible for the administration of a political party, an adviser to a political party or an official of a political party;
- (11) not being a person having any interest, whether directly or indirectly, in any business dealing with the Digital Economy Promotion Agency or any business which is contrary to or inconsistent with the purposes of the Digital Economy Promotion Agency.

**Section 47.** The Director shall hold office for a term of four years and may be re-appointed but may not serve for more than two consecutive terms.

In the case where it appears that the Director has had appraisal results over the past three years at a level below the good-quality level for two years upwards, there shall be a

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selection of a new Director. In such case, the Supervisory Committee of the Digital Economy Promotion Agency may not re-appoint the Director who vacates office. In other cases, the Director may re-apply for the selection.

In conducting the appraisal under paragraph two, prime regard shall also be had to operational results of the Digital Economy Promotion Agency.

**Section 48.** For the purpose of the appraisal of the performance of the Director under section 47, the Supervisory Committee of the Digital Economy Promotion Agency shall cause the appraisal to be conducted by an impartial and independent third-party appraiser, in accordance with the rules and procedures prescribed by the Supervisory Committee of the Digital Economy Promotion Agency.

**Section 49.** In addition to the vacation of office upon the expiration of the term under section 47, the Director vacates office upon:

(1) death;

(2) resignation;

(3) being removed by the Supervisory Committee of the Digital Economy Promotion Agency on the ground of failing the appraisal or having had appraisal results at a level below the good-quality level for consecutive two years, or being considered by the Supervisory Committee of the Digital Economy Promotion Agency as causing serious loss to the Digital Economy Promotion Agency in the event of being further allowed to be in office;

(4) being sentenced by a final judgment to a term of imprisonment;

(5) being disqualified or being under any prohibition under section 46.

**Section 50.** When the Director vacates office, the Deputy Director shall also vacate office, and in the case where the Director vacates office by reason of the appraisal under section 47 or section 49 (3), the Deputy Director who vacates office may not be appointed as Director.

In addition to the vacation of office under paragraph one, the Deputy Director vacates office upon the Director's order removing the Deputy Director from office.

**Section 51.** The Director shall have the powers and duties as follows:

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(1) to conduct the administration of the Digital Economy Promotion Agency in order to achieve effectiveness in accordance with the missions of the Digital Economy Promotion Agency and the strategic plan on digital economy promotion and in accordance with the national policy and plan on the development of digitality for economy and society as well as the Rules and Regulations prescribed by the Supervisory Committee of the Digital Economy Promotion Agency;

(2) to lay down rules in connection with the operation of the Digital Economy Promotion Agency insofar as they are not contrary to or consistent with Rules, Regulations, requirements, policies, resolutions or Notifications of the Supervisory Committee of the Digital Economy Promotion Agency;

(3) to be the superior of officials and employees in all positions except the person holding the position of an internal auditor, and appraise the performance of officials and employees in all positions of the Digital Economy Promotion Agency in accordance with the Rules and Regulations of the Supervisory Committee of the Digital Economy Promotion Agency;

(4) to appoint Deputy Directors who meet such qualifications, and in such number, as determined by the Supervisory Committee of the Digital Economy Promotion Agency;

(5) to recruit, appoint, raise salaries or wages for and impose disciplinary penalty on officials and employees and remove officials and employees from office, in accordance with the Rules or Regulations of the Supervisory Committee of the Digital Economy Promotion Agency;

(6) to perform any other activities in accordance with the Rules, Regulations and resolutions of the Supervisory Committee of the Digital Economy Promotion Agency.

**Section 52.** In the affairs which are concerned with third persons, the Director shall represent the Digital Economy Promotion Agency and, for this purpose, the Director may delegate powers to any person for performing particular work on the Director's behalf, provided that it shall be in accordance with the Rule prescribed by the Supervisory Committee of the Digital Economy Promotion Agency.

The acting as or for the Director shall be in accordance with the Rule prescribed by the Supervisory Committee of the Digital Economy Promotion Agency.

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**Section 53.** The accounting of the Digital Economy Promotion Agency shall be conducted in accordance with such accounting standard and in accordance with such form and rules as prescribed by the Supervisory Committee of the Digital Economy Promotion Agency.

**Section 54.** Any Government official or State official who remains obligated to perform the official service under the requirement by a scholarship received from a Government agency or a State agency and who is transferred to perform duties at the Digital Economy Promotion Agency with the approval of the superior of the original agency shall be deemed to perform the official service under the requirement by the scholarship and shall be entitled to count the period of the performance of work at the Digital Economy Promotion Agency into the period of service required by the scholarship.

**Section 55.** The Digital Economy Promotion Agency shall prepare a balance-sheet, a financial statement and an operational account for submission to an internal auditor within ninety days as from the end of each accounting year.

The Office of the Auditor-General of Thailand or a licensed auditor approved by the Office of the Auditor-General of Thailand shall be the auditor and appraise the disposal of money and property of the Digital Economy Promotion Agency every year and prepare an audit report for submission to the Supervisory Committee of the Digital Economy Promotion Agency.

**Section 56.** The Digital Economy Promotion Agency shall prepare an annual report on the operation of work for submission to the Minister within one hundred eighty days as from the end of the accounting year and disclose such report to the public.

The annual report on the operation of work under paragraph one shall show details of the financial statement, on which the auditor has given opinions, and the work carried out by the Digital Economy Promotion Agency in the past year as well as information on the appraisal of the operation of work of the Digital Economy Promotion Agency in the past year.

The appraisal of the operation of work of the Digital Economy Promotion Agency under paragraph two must be conducted by a third person approved by the Supervisory Committee of the Digital Economy Promotion Agency.

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**Section 57.** The Minister shall have the power to superintend the operation of the Digital Economy Promotion Agency to ensure the compliance with its powers and duties as well as the compliance with the law, relevant resolutions of the Council of Ministers, the national policy and plan on the development of digitality for economy and society and the strategic plan on digital economy promotion. For this purpose, the Minister shall have the power to order the Director to give explanations or opinions or prepare a report and shall have the power to suspend acts done by the Digital Economy Promotion Agency in a manner contrary to its powers and duties, policies of the Government, relevant resolutions of the Council of Ministers, the national policy and plan on the development of digitality for economy and society or the strategic plan on digital economy promotion and order factual inquiries in connection with the operation of the Digital Economy Promotion Agency.

#### TRANSITORY PROVISIONS

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**Section 58.** During the initial period, the Commission shall consist of the members under section 7 (1), (2) and (3) and paragraph two for performing duties, only to the extent necessary, for the time being but not exceeding ninety days as from the date on which this Act comes into force.

**Section 59.** During the initial period in which there is no Supervisory Committee of the Digital Economy Promotion Agency under this Act, the Supervisory Committee of the Digital Economy Promotion Agency shall consist of Permanent Secretary for Digital Economy and Society as Chairperson and Secretary-General as well as four persons possessing apparent knowledge, expertise and capability in the fields of information and communication technology, economics, social science, business administration or law or other relevant fields beneficial to the operation of work of the Supervisory Committee of the Digital Economy Promotion Agency appointed by the Minister as members, and the person performing the duty as the Director under paragraph two shall be the secretary of the Supervisory Committee of the Digital Economy Promotion Agency. In this regard, such persons shall perform duties *pro tempore* until there is the Supervisory Committee of the Digital Economy Promotion Agency under this Act, provided that this shall not exceed one hundred eighty days as from the date on which this Act comes into force.

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During the period in which the appointment of the Director has not yet been made under this Act, the Minister may appoint a person considered by the Minister as appropriate to perform the duty as the Director under this Act *pro tempore* until the appointment of the Director is made under this Act, provided that this shall not exceed one hundred eighty days as from the date on which this Act comes into force.

**Section 60.** During the initial period, the Council of Ministers shall distribute the inauguration money to the Fund and the Digital Economy Promotion Agency as may be necessary.

**Section 61.** During the initial period, the Minister may submit to the Council of Ministers a recommendation for permitting Government officials, personnel, officials or any other persons performing duties in a State agency to perform duties as officials of the Digital Economy Promotion Agency *pro tempore* within a period of time determined by the Minister.

**Section 62.** When this Act comes into force, the Royal Decree Establishing the Software Industry Promotion Agency (Public Organisation), B.E. 2546 (2003) and the Royal Decree Establishing the Software Industry Promotion Agency (Public Organisation) (No. 2), B.E. 2553 (2010) shall be repealed and all the affairs, money and properties, rights, obligations and budgets of the Software Industry Promotion Agency (Public Organisation) existing prior to the date on which this Act comes into force shall vest in the Digital Economy Promotion Agency.

**Section 63.** Officials and employees of the Software Industry Promotion Agency (Public Organisation) under the Royal Decree Establishing the Software Industry Promotion Agency (Public Organisation), B.E. 2546 (2003) as amended who perform duties prior to the date on which this Act comes into force shall be transferred to be officials or employees of the Digital Economy Promotion Agency *pro tempore*.

Within one hundred eighty days as from the date on which this Act comes into force, the Digital Economy Promotion Agency shall take action in selecting officials or employees under paragraph one for further appointment as officials or employees of the Digital Economy Promotion Agency.

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Any personnel or employees who are selected and appointed under paragraph two shall be entitled to count the past period of work at the Software Industry Promotion Agency (Public Organisation) continually into the period of work at the Digital Economy Promotion Agency.

Any official or employee under paragraph one who has no intention to work at the Digital Economy Promotion Agency or is not selected and appointed under paragraph two shall be deemed to have the employment terminated and shall be entitled to the severance payment in accordance with the Notifications, Rules or Regulations of the Digital Economy Promotion Agency insofar as they deal with the termination of employment and the entitlement to severance payment therefor, provided that such severance payment shall not be lower than that provided for under the law on labour protection, the law on social security and the law on compensation. But, in the case of no intention to work at the Digital Economy Promotion Agency, a declaration thereof must be made within thirty days as from the date on which this Act comes into force.

**Section 64.** During the period in which Notifications, Rules or Regulations on matters relating to the Digital Economy Promotion Agency have not yet been made under this Act, the Supervisory Committee of the Digital Economy Promotion Agency may make the specification to the effect that the Notifications, Rules or Regulations of the Software Industry Promotion Agency (Public Organisation) or other public organisations within the superintendence of the Ministry of Digital Economy and Society as in force prior to the date on which this Act comes into force shall apply to the Digital Economy Promotion Agency *mutatis mutandis* insofar as they are not contrary to or inconsistent with this Act.

**Section 65.** The issuance of the Notifications, Rules or Regulations under this Act shall be completed within one year as from the date on which this Act comes into force. If their completion cannot be achieved, the Minister shall report the reasons therefor to the Council of Ministers for information.

Countersigned by:

General Prayut Chan-o-cha  
Prime Minister

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