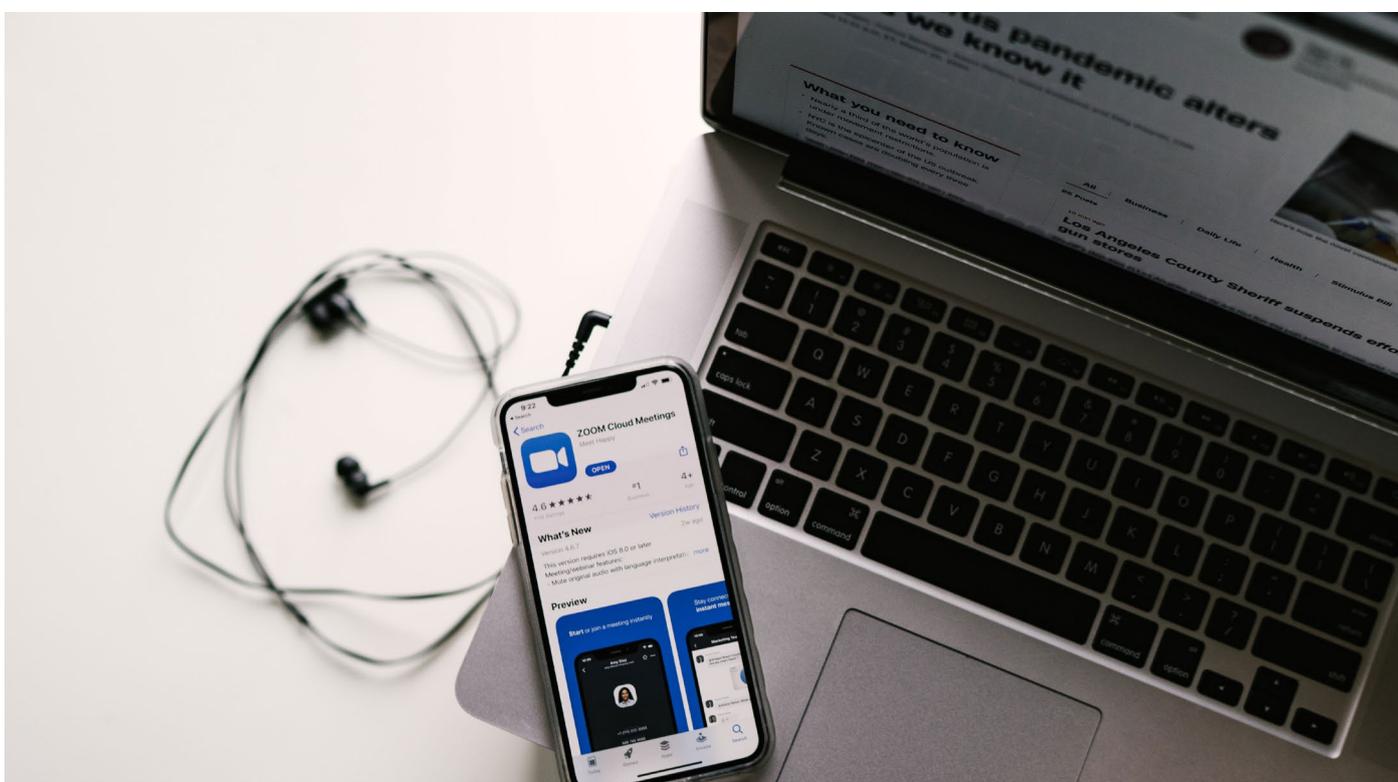


## NEW MDES NOTIFICATION ON SECURITY STANDARDS FOR ELECTRONIC CONFERENCING

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Following the recent enactment of the Emergency Decree on Electronic Meetings B.E. 2563 (2020) (“**Emergency Decree**”) which relaxed certain (impractical) requirements for electronic conferencing under Thai law, the Ministry of Digital Economy and Society (“**MDES**”) has now enacted the new Notification of MDES re: Standards for Maintaining Security of Meetings via Electronic Means B.E. 2563 (2020) (“**MDES Notification**”) in support of the Emergency Decree. The MDES Notification, which came into effect on 27 May 2020, regulates security standards for electronic conferencing, including with respect to attendees’ identification, communication, accessibility to meeting documents, casting votes, storage of information/documents and electronic traffic data, and notification in the case of extenuating circumstances. This article provides a brief overview on the MDES Notification, and what it means for companies in Thailand.



### Substantial Elements of Security Standards for Electronic Conferencing

The substantial elements of security standards for electronic conferencing under the MDES Notification can be divided into seven main categories as follows:

1. **Identification of attendees prior to the meeting:** The meeting organizer has a duty to arrange the identification method which must have a sufficient level of security depending on various factors of the meeting e.g. size and agenda of the meeting. Relevant technology is allowed to be used for such identification purposes e.g. username and password or one-time password.
2. **Communication through audio or audio and audiovisual:** The attendees who are in different venues must be able to clearly and continuously communicate, discuss and express their opinion at the same time. With such conferencing system, the chairman of the meeting must be able to immediately disconnect the audio or audiovisual or stop transmitting the data on a temporary basis from any devices of individual attendees where necessary or in the case of emergency. Moreover, the meeting organizer must also prepare a backup conferencing method e.g. telephone conference or text messages in the case of extenuating circumstances.

3. **Accessibility of attendees to meeting documents:** The meeting organizer must provide such documents to the attendees prior to or during the meeting together with information on how to access them. Notice, supporting documents and minutes of the meeting may be prepared in electronic files.
4. **Casting votes both by public and poll:** For public voting, it must be able to identify attendees who are entitled to vote and their vote. This may be done by voice, symbol or electronic messages. For poll voting, it must be able to identify the number of attendees who are entitled to vote and the total votes without identifying the persons who vote on such agenda. This may be conducted by online survey system.
5. **Storage of information or evidence of electronic conferencing:** The meeting organizer must store or record: (i) the identification method with total number of attendees or name of identified attendees, (ii) casting votes method and result of such voting, (iii) an audio or audio and audiovisual of all attendees (excluding a confidential meeting), (iv) an extenuating circumstance occurring at the meeting. Within seven days after the meeting, this data must be stored and recorded by the meeting organizer with reliable or preventive measures that are able to secure any changes or amendments which may occur to the data except for certification, additional storage or ordinary amendments. The data must be able to be used and presented afterwards. There must also be accessibility control over such data.
6. **Storage of electronic traffic data of all attendees as evidence:** the electronic traffic data must include data which can identify person or username, date, accessible time and adjourned time of the meeting which must be in accordance with the standard time. This data must also be securely stored and recorded in the same manner and within specified time as aforementioned in item 5 above.
7. **Notification in the case of extenuating circumstances:** the meeting organizer must also prepare a communication channel for notification and solving problems in the event of extenuating circumstances occurring.

In addition to the aforementioned substantial elements, the meeting organizer must establish a security standard for prevention of unauthorized persons becoming aware or obtaining knowledge of information/documents of a confidential meeting. Moreover, no record of audio or audio and audiovisual of all attendees must be made for the entire meeting.

With the above requirements, the meeting organizer may use their own meeting control system or the system of the service providers. The electronic conferencing must also have at least the following security standards: confidentiality, integrity, availability, data privacy, authenticity, accountability, non-repudiation and reliability.

### **Electronic meetings arranged prior to enactment of MDES Notification**

Any electronic meeting that has been arranged pursuant to the Emergency Decree but prior to the effective date of the MDES Notification and has not yet been convened may satisfy the requirements under the security standard issued under the Announcement of the National Council for Peace and Order No. 74/2557 re: Electronic Meetings dated 27 June 2014 (“**NCPO Announcement**”), without the need to comply with this MDES Notification. However, this exemption is only applicable for 60 days after the effective date of MDES Notification, and expires on 26 July 2020.

If you require any assistance or advice with respect to your company’s corporate compliance obligations under Thai law, please contact us at [spi-info@siampremier.com](mailto:spi-info@siampremier.com).

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