

## New Security Standards for E-meetings

The Ministry of Digital Economy and Society (“**MDES**”) has issued the MDES Notification on Standards for Maintenance of Security of Meetings Via Electronic Media B.E. 2563 (2020) (“**MDES Notification on E-meeting**”) containing new standards for the maintenance of security of meetings which take place via electronic media. The MDES Notification on E-meeting was published in the Royal Gazette on 26 May 2020 and came into force on **27 May 2020**.

The MDES Notification on E-meeting sets out detailed standards to be implemented when arranging a meeting via electronic media (“**E-meeting**”).

We have summarized certain key requirements as follows:

- **Notice of the E-meeting**

In the case that the person who would act as the chairperson of the meeting requires the meeting to be arranged via electronic media, the person in charge of arranging the meeting is required to inform the attendees of the meeting in advance that the meeting will be held via electronic media and provide information on the method to be used for such meeting.

In practice, it is possible in some cases that the chairperson of the meeting is not identified until the attendees of the meeting consider and appoint an eligible person at the beginning of the meeting to chair the meeting, which may cause practical difficulties with meeting this notice requirement. This requirement is also specified in Section 6 of the Emergency Decree on Meetings Via Electronic Media B.E. 2563 (2020). However, for companies that have already specified the position of the person who would be the chairperson of meetings in their articles of association, this requirement should not pose any issues.

- **Process of the Electronic Meeting**

The MDES Notification on E-meeting requires that the E-meeting must follow at least the following process:

- (1) Identification of the attendees via electronic media before the meeting – This must be conducted in the manner prescribed by the person in charge of arranging the meeting, for

example, through the use of technology such as a username and a password or a one-time password, or by other persons attending the meeting.

- (2) Communication or interaction by audio or by both audio and video – The channel of communication used must be able to transmit clearly and continuously so as to permit the attendees, who reside in different places, to consult and express their opinions to each other simultaneously. In addition, the person in charge of arranging the meeting must prepare a backup procedure if there is any disruption during the meeting, such as a teleconference call or text messaging. There must also be a method of managing the access rights of the attendees so that the access of any attendee can be suspended or restricted in the case that an issue arises.
- (3) Access to the documents of the meeting (for the attendees) – The person in charge of arranging the meeting must provide the attendees with the documents (including any information presented during or relating to the meeting) before or during the meeting and notify them on how to obtain access to such documents.
- (4) Voting of attendees, either by open and secret voting (if available) – The technique used must allow the identification of the voter in the case of an open vote or the determination of the number of votes without being able to identify the voter in the case of a secret vote.
- (5) Retention of data or evidence relating to the E-meeting – The data to be retained must include the list of attendees who have verified their identity, the method of identification of attendees, the result of the voting process, the method of voting, the audio recording or audio and video recording data (as the case may be) except for meetings for confidential matters, disruption which occurred during the meeting, and electronic traffic data. The recording must be made in electronic form using secure and reliable procedures.
- (6) Retention of electronic traffic data of all attendees as evidence – This must consist of identification or username of the attendee and the date and time of attendance.
- (7) Notification of disruption during the meeting - Attendees must be able to notify the person in charge of arranging the meeting of any disruption.

Upon completion of the E-meeting, the person in charge of arranging the meeting must retain all data or evidence relating to the E-meeting, electronic traffic data of all attendees or require the service provider to deliver such data within 7 days after the completion of each meeting.

Where there is a reason requiring the data relating to the meeting to be destroyed, the person in charge of arranging the meeting or the service provider must delete or destroy the meeting data from the data storage media using technology or a secure method for the deletion or destruction.

The MDES Notification on E-meeting further provides that, if any organization is already required to comply with a specific law on meetings that sets out a different procedure, that organization may take into account the standards under this MDES Notification on E-meeting.

- **Meeting Control System**

The person in charge of arranging the meeting may use its own meeting control system or that of the service provider.

In this regard, the Electronic Transactions Development Agency ("**ETDA**") will determine the standards for maintenance of security of data of the meeting control system.

In addition, the ETDA or any other agency assigned by ETDA may arrange for the assessment and certification of compliance of the meeting control system pursuant to the standards set out under this Notification. The certified meeting control system will be deemed to have the process that conforms to the standards under this Notification. Further, ETDA may set out a procedure to accept the assessment or certification of the meeting control system performed by any agency located either in Thailand or a foreign country.

- **Standards for Maintenance of Security of Data**

There must be at least the following standards for maintenance of security of data for an E-meeting:

- (1) Confidentiality;
- (2) Integrity;
- (3) Availability;
- (4) Privacy and personal data protection; and
- (5) Others, including authenticity, accountability, non-repudiation and reliability of electronic data related to or caused by the meeting.

- **Meeting for Confidential Matters**

The person in charge of arranging a meeting that considers confidential matters must set out measures to maintain security in order to prevent any person who is not entitled to attend the meeting to find out information relating to such confidential matters. The standards for maintenance of security of data as prescribed by ETDA must also be satisfied.

In this regard, the attendees must certify to the meeting that any person who is not entitled to attend the meeting would not become aware or acquire knowledge of information relating to the confidential matters in the meeting. The meeting should be carried out in a closed area without other persons being present.

In respect of a meeting for a matter that is subject to confidential classification by a state agency, the meeting must be conducted through a meeting control system that is established and serviced in Thailand and satisfies the standards for the maintenance of security of data as prescribed by ETDA. The storage of any data or evidence of the meeting must not be done outside Thailand. In this regard, the service provider (of the meeting control system) must guarantee to the person in charge of arranging the meeting that it has proceeded with these requirements. Any audio recording or audio and video recording of all attendees during the consideration of confidential matters is prohibited.

- **Ongoing E-Meetings arranged before 27 May 2020**

Any ongoing E-meetings that have been arranged before the enforcement of the MDES Notification on E-meeting must proceed in accordance with the security standards under the Notification of Ministry of Information and Communication Technology Re: Security Policy and Standards of the Meeting via Electronic Media B.E. 2557 (2014) and must be completed within 60 days from the date on which the MDES Notification on E-meeting came into force (i.e., before 27 July 2020). Otherwise, the E-meeting would have to comply with the requirements under the MDES Notification on E-meeting.

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