

Ministry of Information and Communication Technology Announcement

Topic: Service Provider Computer Traffic Data Storage Regulations

B.E. 2550

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As present day a computer system is essential to business operations and the human way of life. While computer crime rate is rising and spreading its malicious effects. Computer traffic data is a valid form of evidence representation to court and investigation in order to punish those offenders. The ministry hereby instructs service providers to store computer traffic data as such.

Within the power of Section 26 paragraph three of Computer Crime Act B.E. 2550, the minister of Information and Communication Technology Ministry has issued regulations as follow:

1. This announcement shall be called the "Regulations of computer traffic data storage of service providers B.E. 2550."

2. This announcement will come into force the day following the date of its publication in the Government Gazette.

3. The Minister of Information and Communication Technology must execute this announcement.

4. In this Act,

"Service Provider" shall mean:

(1) A person who provides service to the public with respect to access to the Internet or other mutual communication via a computer system, whether on their own behalf, or in the name of, or for the benefit of, another person.

(2) A person who provides services with respect to the storage of computer data for the benefit of the other person.

"Computer Traffic Data" means data related to computer system-based communications showing sources of origin, starting points, destinations,

routes, time, dates, volumes, time periods, types of services or others related to that computer system's communications.

"Computer System" means a piece of equipment or sets of equipment units, whose function is integrated together, for which sets of instructions and working principles enable it or them to perform the duty of processing data automatically.

"Service User" means a person who uses the services provided by a service provider, with or without fee.

5. Within the power of Section 26 of Computer Crime Act B.E. 2550 types of Service Provider with the respect to the storage of computer data traffic are classified as:

(1) An Internet Service Provider, for which provide access to the Internet for general users or other mutual communication via a computer system, whether on their own behalf, or in the name of, or for the benefit of, another person, falls into these 4 categories:

A. Telecommunication and Broadcast Carrier consists of providers as described in Appendix A.

B. Access Service Provider consists of providers as described in Appendix A.

C. Host Service Provider consists of providers as described in Appendix A.

D. Internet Café consists of providers as described in Appendix A.

(2) A person who provides services with respect to the storage of computer data for the benefit of the other person according to (1) e.g. Application Service Provider consists of providers as described in Appendix A.

6. Computer Traffic Data as described in Appendix B.

7. A Service Provider with respect to the storage of computer data is:

(1) A Service Provider in 5. (1) A. must store Computer Traffic Data according to Appendix B. 1.

(2) A Service Provider in 5. (1) B. must store Computer Traffic Data according to Appendix B. 2. in types and functions of services.

(3) A Service Provider in 5. (1) C. must store Computer Traffic Data according to Appendix B. 2. in types and functions of services.

(4) A Service Provider in 5. (1) D. must store Computer Traffic Data according to Appendix B. 3.

(5) A Service Provider in 5. (2) must store Computer Traffic Data according to Appendix B. 4.

However a Service Provider shall store Computer Traffic Data which results from its own services.

8. In the respect to storage of Computer Traffic Data, a Service Provider must apply with robust and secure methods as the following:

(1) Media for storage must restrain data integrity and able to identify the person who accessed it.

(2) Must possess security for stored data and provide authorization for data access in order to restrain data integrity. And must not allow a system administrator to be able to amend the stored data by means of, for example, centralized log server storage, data archiving, data hashing. Except appointed competent officials for storage accessing e.g. IT auditors, appointed organization personals or persons who perform duties under this Act.

(3) Must provide coordinators in order to effectively provide information for appointed officials under Computer Crime Act B.E. 2550.

(4) Computer Data must be used to acquire identification and authentication details such as proxy servers, network address translation server (NAT), proxy cache, cache engine, Free Internet Service or 1222 service, Wi-Fi Hotspot. Also the data must be used to produce service user identity.

(5) In any circumstance if a Service Provider provides services in its own behave but using third party service whereas the Service Provider has no awareness of service user identification, the Service Provider must provides its own identification and authentication system for its users.

9. To assure the Computer Traffic Data integrity and practicalities, a Service Provide must set all service equipment system-clock to the international reference standard (Stratum 0) with 10 millisecond resolution.

10. A Service Provider with respect to Computer Traffic Data storage in 7. shall begin storing data with below instruction:

(1) A Service Provider in 5. (1) A. shall begin storing Computer Traffic Data 30 days following the date of its publication in the Government Gazette.

(2) A Service Provider in 5. (1) B. – only public network service providers or Internet Service Provider, shall begin storing Computer Traffic 180 days following the date of its publication in the Government Gazette.

Other service providers not mentioned in 10. (1) and 10. (2) shall begin storing Computer Traffic Data one year following the date of its publication in the Government Gazette.

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