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Bank of Thailand

The Regulation of the Bank of Thailand

No. SorRorKor. 1/2553

Re: Electronic Financial Services via Certified Servers

1. Rationale

The Bank of Thailand has developed electric financial services in order that service users are able to undertake financial transactions automatically via certified servers, which is another channel. The Bank of Thailand thereby issues this regulation to prescribe regulations and standards covering use of the electronic financial services via certified servers.

2. Statutory Power

By virtue of Section 8 of the Bank of Thailand Act B.E. 2485 and its further amendments

3. Scope of Application

This regulation shall be applicable to financial institutions or any other juristic persons which have submitted the letter of agreement to use the electronic financial services via certified servers for being as the service users under this regulation.

4. Content

Title 1

General Provisions

Article 1: In this regulation

“BOT” means the Bank of Thailand

“Financial institutions” means

- (1) Commercial banks
- (2) Financial companies
- (3) Credit foncier companies
- (4) Other juristic persons notified by the Ministry to be the financial institutions under the Bank of Thailand Act B.E. 2485 and its further amendments

“Service users” mean financial institutions and other juristic persons permitted by the BOT to use the electronic financial services via certified servers

“Electronic financial services” mean an electronic data transmission system via certified servers between the BOT and service users in the electronic financial services as prescribed by the BOT

“Financial services” mean

- (1) Payment system service
- (2) Deposits and debt instruments service
- (3) Money market service
- (4) Banknotes service
- (5) Data transmission service
- (6) Other services as prescribed by the BOT

“Server” means a computer system of the BOT

“Clients” means computer systems of the service users

“The BOT command set” means a set of computer commands for the clients that the BOT provides to the service users

“Secured data transmission protocol” mean an electronic financial service protocol of the BOT for:

- (1) Verify authenticity of messages transmitted by the service users or the BOT via electronic methods; this is to authenticate and confirm whether the certified servers involved in the electronic financial services operate under the actual authorization.

- (2) Verify whether messages received by the service users or the BOT via electronic methods are the same as the messages transmitted by the service users or the BOT, and prevent unauthorized access to the actual data transmitted between the server and clients.
- (3) Set a certain point of time where the BOT and the service users are not able to suspend or revoke the transmitted messages.
- (4) Install the “log file” system for data transmission in each service in order to examine the completeness of transactions transmitted via the electronic financial services.

“Authorized signatories” mean persons entrusted by the service users to appoint or revoke persons to act as the certifier in electronic financial services

“Certifiers” mean persons entrusted by the authorized signatories to appoint or revoke the server in electronic financial services

“Certified servers” mean computer servers certified by the certifiers to use as the clients of electronic financial services

“Security measures” means preventive measures against unauthorized access from the servers which are uncertified as the client of electronic financial services

“Operating handbook” means a handbook for use of electronic financial services which is provided by the BOT to the service users.

Article 2: This regulation is a central regulation for all types of electronic financial services. Those wishing to use the services shall be bound to this regulation first. When the BOT launches particular services, a set of specific regulations shall be issued. When the service users start using any types of service, it is regarded that they agree to bind themselves to the specific regulations issued for such services.

Those wishing to use the electronic financial services under this regulation shall prepare a letter of agreement to use electronic financial services via certified servers, using the form enclosed.

Article 3: Those wishing to withdraw their membership of electronic financial services shall notify the BOT in writing no later than 30 days in advance. If not, or beyond the period, service users are no longer the service users under this regulation.

Article 4: The BOT shall provide the BOT command set and the operating handbook to service users. In case where the BOT changes the BOT command set, the service users shall request a new one under the procedures and conditions as prescribed by the BOT.

Article 5: The BOT shall prescribe working hours of the electronic financial services and may consider changing as deemed appropriate. The changes shall be notified to the service users at the appropriate time. The prescribing of time in an hour or shorter shall refer to the time as shown on the server.

Article 6: Any service users unable to comply with this regulation or provisions issued under this regulation, or having any behaviors likely to cause damages to the service system or any other common benefits, the BOT may consider suspending certain or various electronic financial services temporarily or permanently. The determination of the BOT shall be the utmost.

Article 7: The BOT shall be responsible for ordinary damages caused by its own actions, except under any or all of the following cases:

- (1) Damages caused by extraordinary conditions
- (2) Damage caused by any technical defects of the server
- (3) Damage caused by other things or systems beyond control of the BOT
- (4) Force majeure

Article 8: Service users shall pay fees in accordance with regulations, procedures and conditions as prescribed by the BOT.

Title 2

Rights and Duties of Service users

Article 9: Service users realize, understand and admit the efficiency, capacity and limitation of the secured data transmission protocol, and accept that electronic financial services are operated under sufficiently prudent measures against errors and frauds. The BOT reserves rights to improve or amend the secured data transmission protocol as deemed appropriate.

Article 10: Service users must procure clients, other equipments and command sets as prescribed by the BOT.

Article 11: Service users must set up clients for electronic financial services, as follows:

- (1) Link the clients with the server for the electronic financial services
- (2) Always maintain good conditions of the clients
- (3) Ensure that the clients are installed with the efficient virus protection system

On this, the BOT may consider prescribing standards as deemed appropriate.

Article 12: Service users must comply with regulations, operating handbooks and guidelines as prescribed by the BOT. In case where there are contradictions, the users shall comply with this regulation.

Article 13: Service users must prepare the contingency plans in accordance with generally acceptable standards in case where electronic financial services cannot be operated normally.

Article 14: Service users must have security measures and internal control system in accordance with generally acceptable standards.

Article 15: Service users must keep confidential the secured data transmission protocol, command set, operating handbook, except they are disclosed as necessary for benefits of the operations.

Service users must keep the data related to the secured data transmission protocol, command set and operating handbook from losses.

Article 16: Service users may request the BOT to temporarily suspend services provided to them under regulations, procedures and conditions as prescribed by the BOT. However, the service users must be responsible for the data transmitted to and received by the BOT prior to the suspension of services.

Article 17: Service users may request new BOT command sets under regulations, procedures and conditions as prescribed by the BOT.

Article 18: In case where there is a breakdown of the server or the clients or a communication breakdown between the server and the clients, whether the BOT notifies users or vice versa, as the case may be, service users shall comply with regulations, procedures and conditions as prescribed by the BOT concerning such services.

Article 19: Modification to the BOT command set is prohibited.

Article 20: Service users must consent and facilitate the BOT officers in examining clients, security measures, internal control system, relevant documentary evidences and others as deemed appropriate by the BOT.

Article 21: Service users must give explanations or deliver documents or other evidences to the BOT when cooperation is requested by the BOT.

Article 22: Service users must maintain documentary evidences as prescribed by the BOT.

Title 3

Access to Electronic Financial Services

Article 23: When requesting electronic financial services, service users must comply with following procedures:

- (1) Service users shall prepare a letter for appointing authorized signatory, using the form as prescribed by the BOT, in order to appoint or revoke the persons acting as certifiers of the electronic financial services.
- (2) The authorized signatory shall sign a letter appointing certifiers, using the form as prescribed by the BOT.
- (3) The certifiers shall prepare a letter certifying the server, using the form as prescribed by the BOT.

To revoke those appointed under (2) or to revoke the certified server under (3), the service users shall prepare the letter using the form as prescribed by the BOT.

Article 24: Any transactions related to electronic financial services undertaken by authorized signatories, certifiers or certified servers are regarded as actions undertaken by the service users as prescribed under this regulation.

On this, messages, which are generated from use of services, signed by the digital signature of the certified server under this regulation shall be bound to the service users in the same way as signed by the authorized signatories of the service users.

Title 4

Electronic Information Services

Article 25: The BOT may provide information concerning electronic financial services of the BOT which are provided to service users via electronic channel.

Article 26: The BOT provides electronic mailing services between the BOT and service users for additional coordination. These services are regarded as the supplements where the service users may or may not use.

Article 27: In providing information or communication as mentioned above, service users should send messages related to their ordinary business operations only, and they must be responsible for the sent messages. On this, the service users are prohibited from sending messages with secret codes or messages which are incompliant with legislations or public harmony or morals.

Article 28: When requesting the BOT to notify messages to all service users of electronic financial services, the service users must comply with the procedures as prescribed by the BOT and must be responsible for any damages caused by notifying such messages. On this, the BOT reserves rights to issue notifications as deemed appropriate, or vice versa.

Title 5

Arbitration

Article 29: In case of disputations, they shall be brought up for determination by arbitrators. The determination of disputations shall be in accordance with the legislation concerning arbitration.

Article 30: The BOT and service users shall appoint one arbitrator each, and both arbitrators shall jointly appoint one outsider party as a neutral arbitrator.

Title 6

Suspension of Services

Article 31: The BOT may suspend electronic financial services, for certain or all services at any time as deemed appropriate. The BOT shall notify all service users at the appropriate time in advance.

Article 32: In case where certain or all services of electronic financial services are suspended under Article 31, or suspended permanently under Article 6, service users must:

- (1) Return the BOT command set, operating handbooks and other prescribed documents to the BOT
- (2) Delete the BOT command set installed into clients, as prescribed by the BOT
- (3) Maintain confidentiality concerning use of services even though the services are suspended.

Title 7

Miscellany

Article 33: The BOT command set, operating handbooks and operating guidelines are properties of the BOT.

Article 34: The BOT reserves rights to amend, add, or modify this regulation as deemed appropriate. This shall be notified at the appropriate time in advance.

Article 35: In case of disputations concerning interpretation of regulations, notifications or provisions issued under this regulation, the BOT shall make the final determination which is the utmost.

Article 36: It is regarded as service users agree to bind themselves in complying with this regulation, any other provisions issued under this regulation as well as the determination of the BOT under Article 35 or determination of arbitrators.

The service users consent that the determination of the BOT under Article 35 shall be bound to the arbitrators as they shall be unable to make other determinations aside from the prior determination by the BOT. In addition, the service users shall notify this to the arbitrators prior to the final determination.

Article 37: Authorized signatories for appointing certifiers under the Bank of Thailand Regulation Re: Electronic Financial Services B.E. 2544 and its further amendments shall be regarded as the authorized signatories for appointing the certifiers under this regulation unless the service users notify the revision in writing to the BOT.

5. Effective Date

This regulation shall come into force as from 13 July B.E. 2553 onwards.

Notified on 13 July B.E. 2553

(Mrs. Tarisa Watanagase)

Governor

Bank of Thailand

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Letter of Agreement
for Use of Electronic Financial Services via Certified Servers

Prepared at ... (specify the address of service user) ...

Date

I (specify the name of service user) (specify the name of service user in English).....
have read the Bank of Thailand Regulation Re: Electronic Financial Services via Certified Servers, and
understand all provisions thoroughly. I wish to take benefits and bind myself to such regulation, which is
the central regulation. I also bind myself to specific regulations for use of particular services, both existing
and to be further launched. I hereby agree to bind myself to and consent to comply with the
aforementioned regulations and their further amendments in all respects.

I pledge to the Bank of Thailand that I shall not revoke the agreements stated under this letter
except in case of complying with the regulations or when an approval in writing is granted by the Bank of
Thailand.

Signed

(Specify the name of service user's authorized signatory)

Authorized Signatory

For ... (specify the name of service user)...

Remark Printed on a paper with the name of financial institution or juristic person in a header (if any), affixed
the seal of financial institution or juristic person (if any), and enclosed certified copies of ID cards of
all authorized signatories and the company affidavit issued by the Ministry of Commerce (for
examining the signatures)

Appointment Letter of Authorized Signatories to Appoint the Certifier

Prepared at ... (specify the address of service user) ...

Date

With reference to my Letter of Agreement for use of electronic financial services via certified servers ... (specify the name of service user) dated as I have agreed to bind myself to the Bank of Thailand Regulation Re: Electronic Financial Services via Certified Servers B.E. 2553,

Under Article 23 of such regulation, I hereby wish to entrust the persons with the names appeared in this letter to be “Authorized signatories” for appointing the certifier who can certify or revoke the certified server, and appoint or revoke the officers on my behalf.

Name-Surname	Position	Specimen Signature 1	Specimen Signature 2	Telephone No.

Any actions performed by the entrusted persons shall be bound to me in all respects, and I shall not revoke the entrustment stated under this letter, unless there are any additions to or changes of the entrusted persons, which shall be notified in writing to BOT in advance.

On this, the entrustment shall come into force as from onwards, and shall duplicate the letter of entrustment previously signed.

Signed

(Specify the name of service user’s authorized signatory)

Authorized Signatory

For ... (specify the name of service user)...

Remark Printed on a paper with the name of financial institution or juristic person in a header (if any), affixed the seal of financial institution or juristic person (if any), enclosed certified copies of ID cards of all entrusted persons, and attached with a duty stamp.

- Specify the name of service user -

Reference#

Request a new certificate

Renew a certificate

Certified Server Certificate

As I (specify the name of service user)..... have agreed to use electronic financial services via certified servers,

In order to be complied with the Bank of Thailand Regulation Re: Electronic Financial Services via Certified Servers B.E. 2553, Article 23 (3), I hereby certify that the computer as in the following details is the certified server of the electronic financial service:

Logical	
Physical	
Hashed value	

Messages from use of digital signature of this certified server shall be bound to (specify the name of service user)in the same way as signed by the authorized signatory of (specify the name of service user).

On this, this certification shall come into force as fromonwards

Signed

(Specify the name of the certifier)

Remark Enclosed certified copies of an ID card of the certifier