



August 14, 2015

Electronics Transactions Development Agency (Public Organization)
The 9th Tower, Grand Rama 9 Building (Tower B), Floor 21
33/1, Rama 9 Road, Huay Kwang,
Bangkok
Thailand

Dear Sir/Madam,

The Asia Internet Coalition ("AIC") refers to our letter dated May 21, 2015 providing comments to the proposed Cybersecurity Bill, as well as our meeting on June 24, 2015 with ETDA on the same.

As a follow-up to the meeting with ETDA, the AIC would like to offer suggestions for defining Articles 3 and 35.3 in the proposed Cybersecurity Bill as follows:

Article 3:

We recommend that the Kingdom of Thailand adopt a narrower definition of cybersecurity, similar to these international models in its direct focus on protecting networks and critical infrastructure. Relative to a definition that confounds cyber threats with a potentially wide array of non-cyber state security concerns, we believe that such a limited definition will be more effective in both concentrating resources on addressing legitimate cybersecurity concerns and protecting citizens' rights.

A potential model for a definition of cybersecurity can be found with the United Nations International Telecommunications Union (ITU), which uses the following definition: cybersecurity should protect availability, integrity, and confidentiality of "connected computing devices, personnel, infrastructure, applications, services, telecommunications systems, and the totality of transmitted and/or stored information in the cyber environment."

The United States Computer Emergency Readiness Team's (US-CERT) has a similar definition: "the activity or process, ability or capability, or state whereby information and communications systems and the information contained therein are protected from and/or defended against damage, unauthorized use or modification, or exploitation." The same definition has been adapted by the United States National Institute of Standards and Technology (NIST), Department of Homeland Security (DHS), and White House Cyberspace Policy Review.

Article 35.3:

We believe that it is crucial for any investigatory powers provisions included in a final cybersecurity law to explicitly require that users' private communications be disclosed only via proper legal process. Specifically, a final law must make clear that a governmental entity may only compel the disclosure of stored or real-time communications not readily accessible to the public only with a court order issued in compliance with local and international due process norms.

Such provisions are crucial to aligning Thai law with international standards related to judicial oversight and user privacy and with the legal requirements that AIC members and other international platforms are required to comply with.

Conclusion

The AIC is an industry association formed by Apple, eBay, Facebook, Google, Salesforce, LinkedIn, Yahoo! Incorporated, and Twitter that seeks to promote understanding of Internet policy issues in the Asia-Pacific region.

AIC members provide some of the platforms and tools that contribute to an increasingly digital global economy, and we offer our knowledge and insights on ways in which countries can foster and protect an innovative and dynamic digital sector.

We would welcome the opportunity to discuss these points with you directly.

The member companies of the AIC remain at your disposal to discuss the matters above in more detail.

Kind regards,

A handwritten signature in black ink, appearing to read 'H. Vriens', with a stylized flourish at the end.

Hans Vriens
Secretariat
Asia Internet Coalition