

Regulation of the Attorney General
on Keeping, Using and Destroying Information under the
Anti-Participation in Transnational Organized Crime Act B.E. 2556, Section 17,
B.E. 2556

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Whereas the law on the anti-participation in transnational organized crime authorizes the Attorney General to issue Regulations for every related organization to keep, use and destroy a document or information with the belief that such document or information have been used or may have been used to gain benefit from an offence of participating in transnational organized crime, it is deemed expedient to issue this Regulation.

By virtue of the power conferred by the fifth paragraph of section 17, of the Anti-Participation in Transnational Organized Crime Act B.E. 2556, which contains certain provisions in relation to restriction of right and liberties of persons, in respect of which Section 29, in conjunction with Section 32, Section 33, Section 36, Section 41 and Section 45 of the Constitution of the Kingdom of Thailand so permit by virtue of law, the Attorney General hereby issues the Regulation as follows:

Article 1. This Regulation is called the “Regulation of the Attorney General on Keeping, Using and Destroying Information under the Anti-Participation in Transnational Organized Crime Act B.E. 2556, Section 17, B.E. 2556”.

Article 2. This Regulation shall come into force after the date of its publication in the Government Gazette.

Article 3. In this Regulation:

“Authority” means the Attorney General or Commissioner General of the Royal Thai Police or his designated person, as the case may be;

“Information” means a document or information sent by mail, telegraph, telephone, fax, computer, communications tool or equipment, electronic or technological devices which has been used or may have been used to gain benefit from the offence of participating in transnational organized crime, and has been received from an action the investigator permitted by the Authority according to an order of the Chief Justice of the Criminal Court.

Article 4. Where any investigator acquires information from an action ordered by the Chief Justice of the Criminal Court, such investigator shall present that order as well as report operation results and information acquired to the Authority quickly to avoid an alteration or amendment.

As for the information acquired in the first paragraph, the Authority shall to order keep only information relevant to the offence for the benefit of investigation or as evidence in that particular case.

For the benefit of keeping the information, in case the acquired information is in someone's word or voice or conversation, such the information shall be recorded in writing or copy it with an electronic tool or equipment, as the case may be. If necessary the words, voice or conversation is in a foreign language or code shall be translate or decode. The Recording of the acquired information shall content details about the date, month, year and time of recording, including methods, and signatures of the recorder, maker, translator, interpreter and decoder.

Article 5. For the benefit of investigation or use as evidence in a case of an offence of participating in transnational organized crime, where appropriate the Authority, may order the investigator who acquired the information to keep under the supervision of the Authority, with out any alteration or amendment and to set keeping and security system with at least clear classification of that information.

Article 6. In performing according to Article 4 and 5, the investigator may request a person involved with the information acquired according to the permission order of the Chief Justice of the Criminal Court, to procure the investigator with all the information, facilities or necessary technical assistance. The investigator shall present such permission order for cooperation and assistance as requested.

Article 7. The information acquired in this Regulation shall be use carefully for investigation or as evidence in the carry out of only.

Article 8. In case the information in Article 4 is not involved with the offence, the investigator shall report to the Authority for destruction of that information.

Article 9. In destroying the information in Article 8, the Authority shall appoint a committee comprising at least three persons for such destruction, by specitying types, features and procedures of the destruction and, upon completion to reporting the authority for acknowledgement.

The destruction of the information in the first paragraph, do not includ the case information relevant to the offence.

Article 10. The implementation of this Regulation shall be performed in secret.

Article 11. The Attorney General shall be in charge of this Regulation and have authority to interpret and adjudge issues concerning execution of this Regulation.

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Julasing Wasantasing
Attorney General