Thailand

National AI Strategy

Thailand does not have a national AI strategy. Digitalization and AI objectives are covered under 20-year national strategy and various plans developed centrally by the National Council for Peace and Order (NCPO) government that took over the government with a military coup in 2014.

- **20-Year National Strategy (2017-2036):** provides a vision of "Thailand as a developed country with security, prosperity, and sustainability in accordance with the principles of the Sufficiency Economy Philosophy" Government commits that the targets and indicators will also have to abide by the internationally accepted 2030 Sustainable Development Goals."[999]
- **Thailand Digital Economic and Society Development Plan (2017-2021):** The plan defines Digital Thailand as a "transformed Thailand that maximizes the use of digital technologies in all socio-economic activities in order to develop infrastructure, innovation, data, human capital, and other digital resources that will ultimately drive the country towards wealth, stability, and sustainability."[1000] Plan highlights creating a knowledge-driven digital society by building participation, ensuring inclusive and equal usage; creating open government; building trust and confidence in the use of digital technology and updating laws and regulations as some of the strategies.
- **Thailand Digital Government Development (TDG) Plan (2017-2021):** Developed by Electronic Government Agency (EGA), objective is to strategically digitalize Thai government agencies, to deliver best citizen-centric services, with a high level of efficiency and transparency[1001]. One of the goals of the plan is to enable people to access accurate public information conveniently, to

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[999] Government of Thailand, *The Twelfth National Economic and Social Development Plan (2017-2021),* https://www.nesdc.go.th/nesdb_en/ewt_dl_link.php?nid=4345
[1000] https://www.itu.int/en/ITU-D/Regional-Presence/AsiaPacific/Documents/Events/2016/Apr-Digital2016/S2_Present_Pansak_Siriruchatapong.pdf
[1001] http://jfcct.bypronto.com/wp-content/uploads/sites/1871/2018/05/Digital-Government-Development-Plan-2017-2021-executive-version.pdf

enhance transparency, people's confidence and trust in the government, and the successful participation of civil society.

- **12th National Economic and Social Development Plan** (2017-2021): focuses on using artificial intelligence (AI) and embedded technology to create a "just and quality society which leaves no one behind, based on the collaboration of all Thai stakeholders."[1002]
- **Thailand 4.0 (2016)**: This policy aims to develop Thailand into a smart and technology-driven economy. Digitalization and AI adoption sit in the core as new engines of growth transform the society and industries.[1003] The policy includes Smart Cities and Digital Park Thailand, which is an economic digital innovation zone that serves as the hub of the ASEAN sub-region.

The national policy and plans are formulated with an emphasis on digital technologies empowering people to increase their 'citizen well-being and quality of life.' Increasing the transparency and accountability of public agencies is mentioned several times in these plans. However, it is not clear how the goals will be adopted by the agencies and how the actions will be coordinated across different levels of government.

There is no explicit mention of concepts such as fundamental rights, human rights, rule of law, fairness with respect to AI in the plans. 12th National Economic and Social Development Plan acknowledges that Thailand "has high inequality and a lack of fairness"[1004] across society. The only mention of any AI ethics guidelines is acknowledging the existence of EU Ethics Guidelines for Trustworthy AI, and the World Government Summit's Ethical AI Systems Design through a reference within a TDG Plan summary document[1005]. EGA, as the agency responsible to implement standards, models, measures, principles and approaches in the form of digital technology, only mentions openness, integrity and collaboration under its eight core values.[1006]

[1002] Government of Thailand,
https://www.nesdc.go.th/nesdb_en/ewt_dl_link.php?nid=4345
[1003] Royal Thai Embassy, *Thailand 4.0*, https://thaiembdc.org/thailand-4-0-
[1004] https://www.nesdc.go.th/nesdb_en/ewt_dl_link.php?nid=4345
[1005] Digital Government Development Agency, *How Government is Transforming with AI*.
https://www.dga.or.th/upload/download/file_310433b825a546dcfd59203b423ca175.pdf
[1006] Digital Government Development Agency, *DGA Core Value,*
https://www.dga.or.th/en/profile/2110/

In 2019, the Ministry of a Digital Economy and Society, academics and experts from Mahidol University and Microsoft Thailand joined together to draft Digital Thailand – Draft AI Ethics Guidelines, to serve as a manual and provide ethical codes for AI development in government agencies, private firms, regulatory bodies, researchers, designers, developers, and users. The draft guidelines cover six aspects of development: competitiveness and sustainable development; legal regulations and international ethical standards; operational codes and duties; security and privacy; equality, diversity, and fairness; and credibility.[1007] As of the time of writing of this report, the guidelines are still in draft format with no published date to launch.

The Office of National Higher Education Science Research and Innovation Policy Council (NXPO) established five technical working groups to explore ethical issues in genetic engineering and technology; artificial intelligence, robotics and big data; climate change and environment; research ethics; and communications and youth engagement in science and technology policy development.[1008] One of the recent outcomes is Bangkok Statement on the Ethics of Science and Technology and Sustainable Development[1009], a statement calling for concerted effort of all stakeholders to take actions on ethics of science and technology so that new technologies can be progressed and fully developed to benefit mankind.

AI System for Surveillance

The AI System for Surveillance and Criminal Analysis in Public is piloted in east Bangkok. The pilot project links with security cameras at crime hotspots under Huai Kwang police jurisdiction. Its facial recognition compares faces against photos in a database of arrest warrants, while its behavior analysis aims to prevent petty crime.[1010] Thai government positions the pilot program as a public safety tool under its wider Thailand 4.0 and

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[1007] National News Bureau of Thailand, *Digital Ministry outlines AI ethics* (Oct. 24, 2019), https://thainews.prd.go.th/en/news/detail/TCATG191024113200588

[1008] NXPO, Sandbox Act and Guidelines (2020), https://www.nxpo.or.th/th/en/sandbox-act-and-guideline/

[1009] *Bangkok Statement on the Ethics of Science and Technology and Sustainable Development*, http://www.stethicsconference2019.net/bkk-statements

[1010] The Nation Thailand, *Bangkok police to pilot AI surveillance system* (July 25, 2019), https://www.nationthailand.com/news/30373672

Smart Cities initiatives. The government also plans to build five Smart Cities within 3 years.

Anti-fake News Centre

In November 2019, Thailand launched its "Anti-fake News Centre." Minister of Digital Economy and Society defines as "fake news" as any viral online content that misleads people or damages the country's image. The Centre is staffed by around 30 officers at a time, who review online content, gathered through "social listening" tools. Coupled with a law prohibiting criticism of the monarchy, the Centre allows the government to potentially censor or suppress any news it finds broadly affecting "peace and order, good morals, and national security"[1011] without the need for evidence.

Digital ID

Thailand is currently working on legislation that would replace physical ID cards with the Digi-ID which will be the backbone of the e-commerce transactions in the country. It is planned to use blockchain to securely exchange user's data but also require and facial recognition verification in an effort towards a "self-sovereign" digital identity management system.[1012] It remains unclear how the government conducted the risk or impact assessment on the mandatory use of biometric data.

Public Participation

Under the Digital Government Plan (2017-21), "Creating Government Data that Easily Accessed and Improve Government Transparency and Public Participation" is defined as one of the four goals.[1013] Two of the indicators that plan commits to measure itself against are "Promoting Country's Open Data Index to place in the World's top 25" and "Creating e-Gov Act". However, all the plans and majority of initiatives relating to AI have been developed by the central government rather than any meaningful public participation.

[1011] Reuters, *Thailand unveils 'anti-fake news' centre to police the internet* (Nov. 1, 2019), https://fr.reuters.com/article/governmentFilingsNews/idUKL3N27G4KR
[1012] Thailand, *Digital Identity for All,* https://www.ndid.co.th/
[1013] *Thailand Digital Government Development Plan 2017-2021,* http://jfcct.bypronto.com/wp-content/uploads/sites/1871/2018/05/Digital-Government-Development-Plan-2017-2021-executive-version.pdf

Fundamental Rights and OECD/G20 AI Principles

Thailand has experienced 19 constitutional changes in less than a century. The government acknowledges that Thailand is both a destination and transit country for human trafficking linked to illegal immigration, child labor and prostitution.[1014] However, most of the plans put the responsibility of respecting human rights on the citizens and not the government. The ongoing 2020 protests are citizen criticizing the government and requesting reform of monarchy. In response, Thai government has extended emergency powers of the existing emergency decree. Under the 2017 Constitution, members of the NCPO are protected from prosecution for human rights violations committed during NCPO rule.[1015] This protection is concerning given the reports of torture, extrajudicial executions and enforced disappearances against, human rights defenders.

The recent Thailand Cybersecurity Act gives the government the authority to monitor and seize data and equipment without a court order in the name of cybersecurity risk and denies anyone targeted by the law in the cases of a crisis or critical threat the right to any appeal.[1016] Despite continuous promises of reform, Thai authorities continue to suppress and prosecute citizens criticizing the monarchy or the military. The combination of AI policing, Fake-News monitoring and Cybersecurity Act creates further concerns on fundamental rights. A group of international public and private experts and NGOs launched the study Thailand's Cybersecurity Act: Towards a Human-Centered Act Protecting Online Freedom and Privacy, While Tackling Cyber Threat to help build the discourse on the necessity of applying a human-rights based approach to cybersecurity legislation.**[1017]**

[1014] Office of the National Economic and Social Development Board Office of the Prime Minister, Thailand, *The Twelfth National Economic and Social Development Plan (2017-2021),* https://www.nesdc.go.th/nesdb_en/ewt_dl_link.php?nid=4345

[1015] https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR/C/THA/CO/2&Lang=En

[1016] Voice of America, *Rights Groups Urge Thai Government to Curb Powers in New Cybersecurity Act* (Sept. 24, 2019), https://www.voanews.com/east-asia-pacific/rights-groups-urge-thai-government-curb-powers-new-cybersecurity-act

[1017] Manushya Foundation, *Thailand' Cybersecurity Act: Toward a Human Centered Act Protecting Online Freedom and Privacy, While Tackling Cyber Treats* (Sept. 2019), https://www.manushyafoundation.org/study-on-cybersecurity-act

Freedom House gives Thailand low marks for political and civil liberties (32/100).[1018] Freedom House noted that in 2019, "Thailand's status improved from Not Free to Partly Free due to a slight reduction in restrictions on assembly and tightly controlled elections that, despite significant flaws, ended a period of direct rule by military commanders." Thailand passed Gender Equality Act in 2015. However, the legislation still allows for exceptions to gender discrimination on grounds of religion and national security.[1019]

Thailand has endorsed Universal Declaration of Human Rights in 1948. Thailand has not signed the OECD AI Principles, Universal Guidelines for AI or the Social Contract for AI. However, **T**hailand is the only country from Southeast Asia to benefit from an OECD Country Programme which comprises 15 projects drawing from four key strategic pillars: good governance and transparency, business climate and competitiveness, "Thailand 4.0" and inclusive growth**.** It includes peer reviews, capacity-building activities, inclusion in the OECD's statistical tools, participation in eight OECD Committees or their subsidiary bodies and adherence to nine OECD legal instruments.[1020]

Data Protection

Thailand's Personal Data Protection Act (PDPA) is the country's first consolidated law on data protection, framing the collection, use, and disclosure of personal data, drawing key concepts and principles from the EU General Data Protection Regulation (GDPR), and establishing a Personal Data Protection Committee.[1021] The Act came into force in part on May 28, 2019 but two successive grace periods, the last one from July 2020,

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[1018] Freedom House, Freedom in the World 2020 – Thailand (2020), https://freedomhouse.org/country/thailand/freedom-world/2020
[1019] United National, *Human Rights Treaties,* https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR/C/THA/CO/2&Lang=En
[1020] OECD, *A Solid Partnership between Thailand and the OECD,* http://www.oecd.org/southeast-asia/countries/thailand/
[1021] Government Gazette, *Personal Data Protection Act B.E. 2562 (2019)* (May 27, 2019) (unofficial translation), https://thainetizen.org/wp-content/uploads/2019/11/thailand-personal-data-protection-act-2019-en.pdf

postponed full implementation to give time to a broad range of government agencies and businesses time to prepare for compliance.[1022]

On July 17, 2020, the Thai government issued an interim Notification of Standards for Maintenance of Security of Personal Data to act as a stop-gap to ensure that personal data is protected until the deferred provisions of the PDPA become effective in 2021 and compliance with the PDPA becomes mandatory.[1023] Under the Notification, certain data controllers must immediately implement basic security controls and measures, including, among others, administrative, technical and physical safeguards for personal data security and staff training and awareness.[1024]

The Digital Government Act requires establishment of government data exchange platform to establish secure standards for transfer of data. Agencies are mandated to keep data open to the public. However, the actual availability of the open data through this platform across all agencies is not complete.

The Sandbox Act provides an experimental environment set by Ministry of Digital Economy and Society (MDES) to test technologies under the strict supervision of the regulators to safeguard public safety and privacy, without being required to abide by full regulatory requirements.[1025]

Lethal Autonomous Weapons

Thailand expressed concern at the "wide and understudied implications" of lethal autonomous weapons systems and affirmed "the importance of respecting and evolving international humanitarian law." It has not commented on calls to ban such weapons and retain meaningful human control over the use of force. Thailand is not a Convention on Conventional Weapons (CCW) state party.[1026]

[1022] OneTrust Data Governance, *Thailand: Government approves Royal Decree postponing PDPA* (May 20, 2020), https://www.dataguidance.com/news/thailand-government-approves-royal-decree-postponing-pdpa

[1023] OneTrust, Thailand-Data Protection Overview (Nov. 2020), https://www.huntonprivacyblog.com/2020/05/29/delayed-implementation-of-thailands-personal-data-protection-act/

[1024] NXPO, *Sandbox Act and Guideline* (2020), https://www.nxpo.or.th/th/en/sandbox-act-and-guideline/

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Evaluation

Thailand has launched an ambitious plan for AI. The Bangkok Statement on Ethics is significant as is the work of the NXPO in the field of AI ethics. But the absence of protections for fundamental rights as the country seeks to expand national identification and systems for facial recognition is troubling. Legal safeguards should precede AI deployment to ensure trustworthy AI. Thailand should ensure that Personal Data Protection Act goes into effect with an independent data protection authority.

[1026] bluenove, *vTaiwan : making citizens the key to public debate* (May 28, 2018), https://bluenove.com/en/blog/vtaiwan-making-citizens-the-key-to-public-debate/
[1026] https://github.com/pol-is/polis-documentation/blob/master/README.md
[1026] Bluenove, *vTaiwan*