

Technology, Media & Telecommunications

New Cybersecurity Subordinate Laws

Introduction

On 18 January 2024, the National Cyber Security Committee of Thailand ("**NCSC**") published two important subordinate laws on cybersecurity under the Cybersecurity Act 2019 ("**Notifications**"). The Notifications, which will take effect on 18 January 2025, are as follows:

- (a) The Notification on Standards for Determination of the Security Category for Data or Information Systems ("**Notification on Security Category**"); and
- (b) The Notification on Minimum Standards for Data or Information Systems ("**Notification on Minimum Standards**").

The Notifications require critical information infrastructure operators ("**CIIOs**") to classify their data and information systems, as well as implement cybersecurity protection measures. CIIOs are organisations (public or private) which assume missions or provide services in relation to a critical information infrastructure, i.e. a computer system which is used in connection with the maintenance of national security, public safety, national economic security or infrastructure of public interests.

According to the NCSC's Notification on Criteria and Types of Organizations with Tasks or Services as Critical Information Infrastructure Organizations and Assigning Control and Regulation B.E. 2564 (2021) ("**Notification on CIIOs**"), an organisation to be considered a CIIO must (i) be included in the list attached to the Notification on CIIOs, and (ii) meet the criteria specified thereunder.

Further, the supervising regulator of each relevant sector shall have the power to determine whether the organisations under their supervision could be deemed CIIOs. The obligations imposed on the CIIOs are summarised below.

Classification of Data/Information Systems

The Notification on Security Category requires CIIOs to self-assess their data/information systems and classify them based on their confidentiality, integrity, and availability, into respective risk levels (i.e. low, medium, and high).

In carrying out the assessment, CIIOs shall also take into account the potential impact of their data/information systems on:

- (a) the financial or property value, or reputation of the CIIOs;
- (b) the number of users, employees or the general public which may incur damage with respect to their life, property, etc.;
- (c) the ability of the CIIOs to perform their duties; and
- (d) national security and public order.

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Implementation of Cybersecurity Measures

The Notification on Minimum Standards requires CIOs to implement the prescribed minimum cybersecurity measures once the data/information systems have been classified with a risk level as explained above.

The minimum cybersecurity measures required to be implemented are set out in the table below.

Minimum Cybersecurity Measures	Risk Level		
	Low	Medium	High
Cybersecurity Audit Plan		X	X
Cybersecurity Risk Assessment	X	X	X
Incident Response Plan	X	X	X
1. Risk Identification			
Asset Management	X	X	X
Risk Assessment and Risk Management Strategy	X	X	X
Vulnerability Assessment and Penetration Testing			X
Third-party Service Provider Management			X
2. Risk Protection			
Access Control	X	X	X
System Hardening	X	X	X
Remote Connection		X	X
Removeable Storage Media		X	X
Cybersecurity Awareness	X	X	X
Information Sharing			X
3. Risk Detection			
Cyber Threat Detection and Monitoring	X	X	X
4. Risk Response			
Cybersecurity Incident Response Plan	X	X	X
Crisis Communication Plan	X	X	X
Cybersecurity Exercise	X	X	X
5. Recovery			
Cybersecurity Resilience and Recovery			X

If you have any queries on the above, please feel free to contact our team members below who will be happy to assist.

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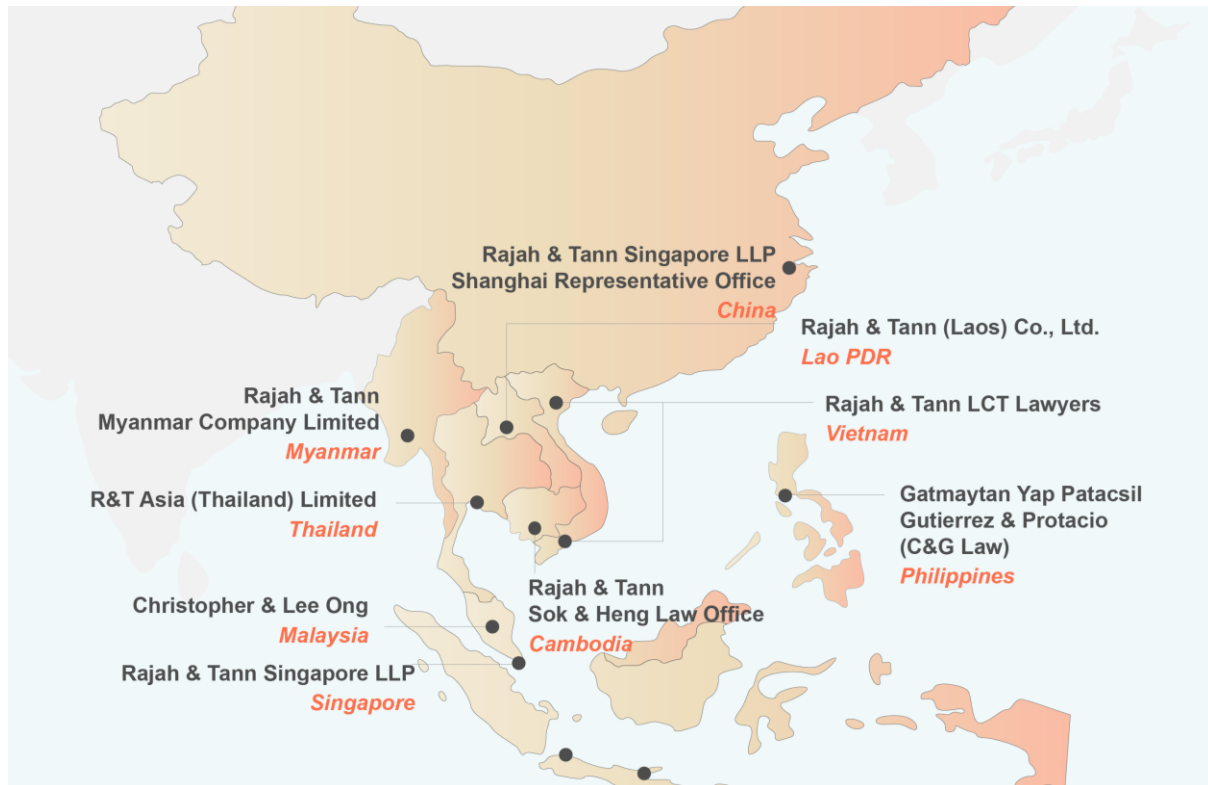
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