

## NATIONAL INTELLIGENCE ACT

B.E. 2562 (2019)<sup>1</sup>

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HIS MAJESTY KING MAHA VAJIRALONGKORN BODINDRADEBAYAVARANGKUN;

Given on the 15<sup>th</sup> of April B.E. 2562 (2019),

Being the 4<sup>th</sup> Year of the Present Reign.

His Majesty King Maha Vajiralongkorn Bodindradebayavarangkun is graciously pleased to proclaim that:

Whereas it is expedient to amend the law on National Intelligence.

This Act contains certain provisions in relation to the restriction of rights and liberties of persons, which is permitted by virtue of law under Section 26, in conjunction with Section 28, Section 32, Section 33 and Section 36 of the Constitution of the Kingdom of Thailand.

Reasons and necessities for the restriction of rights and liberties of persons under this Act are for the benefit of the National Intelligence Agency operation to obtain information or documents which have an impact on national security. The enactment of this Act is in accordance with restrictions stipulated in Section 26 of the Constitution of the Kingdom of Thailand.

Be it, therefore, enacted by His Majesty the King, with the advice and consent of the National Legislative Assembly functioning as the Parliament, as follows

**Section 1.** This Act is called the "National Intelligence Act, B.E. 2562 (2019)".

**Section 2.** This Act shall come into force as from the day following the date of its publication in the Royal Gazette.

**Section 3.** The National Intelligence Act, B.E. 2528 (1985) shall be repealed.

**Section 4.** In this Act:

“intelligence operation” means an operation destined to obtain information on the purpose, power, capability and movement including methods of a person, a group of persons, or any other organizations whether in Thailand or overseas, likely to commit an act considered to be a threat. All this is for protection of national security and national interests. The Government may use the intelligence to formulate national policies.

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<sup>1</sup> \* Translated by Ms. Wanwanach Charoenwong and reviewed by Mr. Anek Srikam, Mr. Pharuhat Waiyasusri and Mr. Surapat Phosaen

“counter intelligence operation” means operation destined to counter an act committed by foreign nations, a person, group of persons, or any other organizations whose aim is to obtain national secrets, or to undermine national security by means of espionage, subversion, sabotage and terrorism or any other means considered to be a threat, in order to protect national security and national interests.

“communications intelligence operation” means the use of technologies and communication devices to obtain information on activities on intelligence operation and counter-intelligence.

“civilian security” means provision of advice, assistance, direction and supervision to civilian agencies, state enterprises and other government agencies in order to protect staff members, places, information and other objects belonging to the administration against an act of espionage, subversion, sabotage and terrorism.

“Director” means the Director of the National Intelligence Agency.

**Section 5.** There shall be a National Intelligence Agency having the powers and duties as follows:

(1) To perform duties related to activities on intelligence operations, counter-intelligence, communications intelligence operations and civilian security;

(2) To monitor domestic and foreign situations which affect the national security, and report to the Prime Minister and the National Security Council;

(3) To disseminate intelligence which affects the national security to relevant state agencies or state enterprises as deemed appropriate;

(4) To study, research and develop activities on intelligence operations, counter-intelligence and civilian security in order to increase efficiency in the performance of duties;

(5) To collaborate, as a center, on activities on intelligence operations, counter-intelligence operation and civilian security with other intelligence agencies in the nation;

(6) To collaborate, as the main agency, on activities on intelligence operations and counter-intelligence with intelligence agencies of foreign nations on the matters relating to the national security.

(7) To put forward policy and measures, including information, suggestion and advice on intelligence operations, counter-intelligence and civilian security to the Prime Minister and the National Security Council;

(8) To perform any other task as imposed in this Act or as assigned by the Prime Minister and the National Security Council.

**Section 6.** According to section 5, for the benefit of the operation, the National Intelligence Agency may request any government agency or any person to submit information or documents which have an impact to the national security within a time period determined by the Director. If a government agency or a person does not submit information or documents within the time period without an appropriate reason, the National Intelligence Agency shall inform the Prime Minister to command as deemed appropriate.

When necessary to obtain information or documents regarding intelligence operation, counter-intelligence operation, communications intelligence operation, or civilian security, the National Intelligence Agency may proceed by any means, including using electronic, scientific, telecommunication devices or other technologies, to obtain those information or documents. Regulations, means, and requirements of the proceeding shall be in accordance with rules set up by the Director with approval of the Prime Minister. The rules shall, at least, specify the record of proceedings by responsible officers, reasons, necessity, means, an affected person or potentially affected by the operation, duration of the proceedings, and means of impact prevention and elimination, and compensation to third-party persons.

The proceedings under this section, if performing duties or acting in good faith, reasonably and for the benefit of the national security or the public safety, are considered legitimate.

**Section 7.** In the case where other government intelligence agencies have already collected and reported intelligence to the heads of their respective intelligence agencies, such intelligence agencies shall submit a copy of those intelligence reports to the National Intelligence Agency, in accordance with the rules set up by the Director with the approval of the Prime Minister.

**Section 8.** All the information which the National Intelligence Agency has obtained from its operation under this Act cannot be disclosed, except the disclosure to other intelligence agencies, security agencies, the Prime Minister or by court orders.

**Section 9.** There shall be a Director having the duty of general supervision of the administration of the National Intelligence Agency, directly responsible and accountable to the Prime Minister, and acting as the head officer of civil servants in the National Intelligence Agency.

There shall be Deputy Directors of the National Intelligence Agency, and there may be Assistant-Directors of the National Intelligence Agency who assist in directing and performing official duties.

The Director, the Deputy Directors of the National Intelligence Agency and the Assistant-Directors of the National Intelligence Agency shall be ordinary civil servants.

**Section 10.** For the benefit of improving the efficiency of the National Intelligence Agency operation, the Director shall appoint ordinary civil servants in the National Intelligence Agency, who have knowledge, ability, and work experience in intelligence operation, counter-intelligence operation, communications intelligence operation, and civilian security, in accordance with rules set up by the Director, to be Intelligence Specialists, performing duties in intelligence operation of the National Intelligence Agency.

Intelligence Specialists can receive remuneration for the position with special status in accordance with rules set up by the Director with the approval of the Ministry of Finance.

**Section 11.** For the benefit of performing duties of the National Intelligence Agency under this Act, other government agencies shall appoint their officers, who have knowledge, ability or work experience in intelligence operation, counter-intelligence operation, and civilian security, to assist the National Intelligence Agency operation as requested by the Director.

The officers from other government agencies, who are appointed to perform duties in the National Intelligence Agency as stated in the first paragraph, shall continue receiving their position allowance and other benefits shall be received in accordance with legislation provided.

**Section 12.** The National Intelligence Agency shall establish a National Intelligence Coordinating Centre also known as “NICC” to be an internal department and act as a central agency in coordinating intelligence, counter-intelligence, and civilian security works among domestic intelligence agencies. The Director shall appoint a deputy director to be the director of the National Intelligence Coordinating Centre also known as “NICC Dir.”, whose duties are to respond, manage and oversight the operation of NICC as assigned by the Director.

**Section 13.** The NICC has duties and powers as follows:

(1) To monitor, evaluate and analyze the current domestic and foreign situations for 24 hours, as well as report daily news, breaking news, specific news, early warnings on national security-related issues to the Prime Minister, the National Security Council and the Director, including agencies involved.

(2) To monitor security threats both in the normal situations and during important festivals, royal ceremonies, the government’s important conferences and events in order to support the prevention and elimination of violence situations until the end of those situations.

(3) To educate and cooperate with the public and private sector, as well as people in both metropolitan area and provinces.

(4) To report situations, overall performance, issues and obstacles concerning the operations of the NICC to the Prime Minister or the minister assigned by the Prime Minister and to the Director, within the timeframe determined by the Director.

(5) To perform other duties assigned by the Prime Minister or the minister assigned by the Prime Minister, the National Security Council or the Director.

**Section 14.** When necessary in intelligence operation to cooperate with other agencies in each region, the Director may establish the Regional National Intelligence Coordinating Centre also known as “Regional NICC” in that respective region.

The Regional NICC shall be accountable to the NICC Dir. The Director shall appoint an ordinary civil servant to be the director of the Regional National Intelligence Coordinating Centre also known as “Regional NICC Dir.”

**Section 15.** The appointment, the retirement and the operation guidelines for officers in the NICC and Regional NICCs shall be in accordance with rules set up by the Director.

**Section 16.** Officers or operatives of the National Intelligence Agency, who violate section 8 shall be punished with imprisonment not exceeding than three years or fined not exceeding sixty thousand Baht, or both.

If an offence referred to in the first paragraph is the commission of an offence of malfeasance in office, the person committing it shall be liable to twice the penalty prescribed for the offence.

**Section 17.** The Prime Minister shall be in charge of the implementation of this Act.

Countersigned by:

General Prayut Chan-o-cha

Prime Minister

**DISCLAIMER:** This translation is provided by The National Intelligence Agency as the competent authority for information purposes only. Whilst The National Intelligence Agency has made efforts to ensure the accuracy and correctness of the translation, the original Thai text as formally adopted and published shall in all events remain the sole authoritative text having the force of law.