
Regulation of Expressway Authority of Thailand
on Information of Expressway Authority of Thailand
B.E. 2553 (2010)

Whereas Official Information Law prescribing that state agency shall make official information available for public inspection, in accompanying with Section 4 of the Announcement of the Official Information Board on Rule and Procedure of Making Official Information Available for Public Inspection dated 24th February B.E. 2541 (1998) prescribing that state agency shall stipulate the regulation of information inspection by public for orderliness or security maintenance;

By virtue of the provisions in Section 7, Section 9 and Section 19 of Official Information Act B.E. 2540 (1997), in accompanying with Section 25 of Section 43 of Expressway Authority of Thailand Act B.E. 2550 (2007), the Regulation therefore has been enacted as follows.

Clause 1 This Regulation is called “Regulation of Expressway Authority of Thailand on Information of Expressway Authority of Thailand B.E. 2553 (2010)”.

Clause 2 This Regulation shall come into force as from the day the date of its publication in the Government Gazette onwards.

Clause 3 All of any other regulations, orders, announcements or rules of Expressway of Thailand in part provided herein or contrary hereto or inconsistent herewith, shall be replaced by this Regulation.

Clause 4 In this Regulation,

“Governor” means the Governor for Expressway Authority of Thailand;

“Affiliated Agency” means the internal agency of Expressway Authority of Thailand from department, office, division, section levels or equivalent;

“Information Service Agency” means the Information Office of Expressway Authority of Thailand;

“Information” means a material which communicates matters, facts, data or anything, whether such communication is performed by the nature of such material itself or through any means whatsoever and whether it is arranged in the form of a document, file, report, book, diagram, map, drawing, photograph, film, visual or sound recording, or recording by a computer or any other method that the recorded material can be displayed;

“Secret Information” means information based on definition provided in Regulation of Official Confidentiality B.E. 2544 (2001);

“Information of the Expressway Authority of Thailand” means all information of the Expressway Authority of Thailand;

“Information Center” means the Information Center of the Expressway Authority of Thailand;

“Board” means the Expressway Authority of Thailand’s Information Board.

Clause 5 The Governor shall be on duty under this Regulation and have power to issue announcement or order for benefit in implementation of this Regulation.

In the event of problem or obstacle in observing this Regulation, the Governor shall judge the decision to be absolute.

Chapter I

Expressway Authority of Thailand’s Information Board

Clause 6 There shall be the Board which is called “Expressway Authority of Thailand’s Information Board” consisting of Deputy Governor for Law and Land Acquisition as the Chairman of the Board, Directors of all Departments and Offices as the committee members. The Director of Information Office shall be the member and secretary, and the Chief of Information Analysis and Dissemination Section and Chief of Information System Development Section shall be the member and assistant secretary.

Clause 7 The Board shall have powers and duties as follows.

(1) to determine policy, rule and give advice with regard to implementation of Official Information Act B.E. 2540 (1997) and Regulation of Official Confidentiality B.E. 2544 (2001) in the part relating to Expressway Authority of Thailand;

(2) to consider on information disclosure or non-disclosure under Section 15 and Section 16, and consider under Section 17 of Official Information Act B.E. 2540 (1997) in consistency with other relevant legal provisions;

(3) to consider information under Section 26 of Official Information Act B.E. 2540 (1997) (historical document) in delivery to National Archives of Thailand, Fine Arts Department or other state agencies;

(4) to consider and give opinions with regard to the improvement and link of Expressway Authority of Thailand’s information in accordance with Official Information Act B.E. 2540 (1997) with internal and external agencies;

(5) to give advices or opinions in the event of problem and obstacle with regard to implementation of Official Information Law and Regulation of Official Confidentiality B.E. 2544 (2001) in the part relating to Expressway Authority of Thailand;

(6) to notify the affiliated agencies to collaborate for any performance with regard to the orderly implementation of Official Information Act B.E. 2540 (1997) and Regulation of Official Confidentiality B.E. 2544 (2001);

(7) to appoint Sub-Committee or Working Group (as the case may be) to help perform any issue that is consistent and support the implementation of Official Information Act B.E. 2540 (1997) and Regulation of Official Confidentiality B.E. 2544 (2001) as appropriate, and empower authority to the said Sub-Committee or Working Group as deemed as proper;

(8) to carry out any other acts as entrusted by the Governor.

Clause 8 The Meeting of the Board shall be held for at least two times a year and the presence of not less than one-half of the total number of the members is required to constitute a quorum.

If the Chairman of the Board is absent for the meeting or not present at the meeting, the present members may elect one among themselves to preside over the meeting.

The absolute decision of the meeting shall be by a majority of votes. Each member shall have one vote. In the event of an equality of votes, the presiding member shall have an additional vote as a casting vote.

Clause 9 The resolution of the Board in all issues shall be reported to the Governor for acknowledgement so that the said resolution shall be performed.

Chapter II

Information System Management

Clause 10 Information service agency shall classify types of information and prepare information index in possession or control in accordance with Official Information Act B.E. 2540 (2007). The details shall be adequate that people are able to search information by themselves.

Clause 11 The affiliated agency shall classify types of information in possession or control. The information classification shall be in line with Official Information Act B.E. 2540 (2007) as follows.

- (1) Information already published in the Government Gazette under Section 7;
- (2) Information already made available for public inspection under Section 9;
- (3) Other information under Section 11

In classification of information in paragraph one, the nature of information shall be considered in accordance with Official Information Law whether it is the non-disclosed information under Section 14 or is also the information that may have non-disclosure order under Section 15 of Official Information Act B.E. 2540 (1997).

The affiliated agency shall deliver information under (1) and (2) to the information service agency to consider and perform in relevant part under Official Information Act B.E. 2540 (1997).

Clause 12 In performance under Clause 11, the affiliated agency shall arrange the officer to supervise, inspect, monitor and coordinate the said performance to be always in order and modern.

Chapter III

Secret Information Practice

Clause 13 The Expressway Authority of Thailand shall strictly treat secret information not to be revealed and disclose the secret information in accordance with the Regulation of Official Confidentiality B.E. 2544 (2001) and other relevant laws or regulations.

The Expressway Authority of Thailand shall prepare any other regulations, orders, announcements or rules to be consistent with the Regulation of Official Confidentiality B.E. 2544 (2001) and other relevant laws or regulations as appropriate.

Chapter IV

Request of Information and Permission

Clause 14 Any person intends to enter for inspection or request for copy or request for certified true copy of the information shall submit the written request in the form enclosed herein to the officer of the information service agency or submit to the affiliated agency that possess or supervise the said information.

In the event of direct information request from the affiliated agency, the affiliated agency which is the information provider shall notify the information service agency about the information request for collection and preparation of annual report to be reported to Office of the Official Information Commission, Office of the Permanent Secretary and Ministry of Transport for further acknowledgement.

The officer who receives the request shall verify whether the information upon the said request is the information in possession or control of the information service agency or of other affiliated agencies, and shall perform the following.

(1) In the event that the information in possession or control of the information service agency, it shall be proposed to the person in Clause 15 (1) for consideration.

(2) In the event of the information in possession or control of the affiliated agency, the said agency shall be coordinated to carry out for consideration by the authorized approver in Clause 15 (2) for consideration.

Clause 15 The following persons shall be the authorized approvers for inspection or duplication of the information.

(1) The Director of Information Office or the entrusted person for the information in possession or control of the information service agency. Unless the said information is the secret information or the information under Section 15 of Official Information Act B.E. 2540 (1997), the Director of Information Office shall be the person who considers the approval.

(2) The Chief of the affiliated agency or the person entrusted by Chief of the affiliated agency for information in possession or control of his or her own affiliated agency. Unless the said information is the secret information or the information under Section 15 of Official Information Act B.E. 2540 (1997), the office holder from the division director level or equivalent and over of the affiliated agency that possesses or supervises the said information shall be the person who considers the approval.

(3) Information Board for all types of information

In the event that the authorized person under (1) and (2) may not judge whether any information is the information which can be disclosed, this matter shall be proposed together with opinion to the Information Board under (3) for consideration and judgment.

Clause 16 In the event that the authorized approver under Clause 15 (1) or (2) issues permission order upon request to permit the request applicant to inspect or receive copy of the said information at information service agency or at the affiliated agency that possesses or controls the said information.

In the event that the information in possession or control of any affiliated agency, if the information service agency requests the said affiliated information to deliver the information or copy of the information to the information service agency for the request applicant to inspect or obtain the copy of the same.

Clause 17 In the event that the authorized person under Clause 15 issues the order of non-disclosure of the information, the request applicant shall be notified about such order and reason, and right and deadline of appeal with the Information Disclosure Tribunal.

Clause 18 In the event that practice of information request and permission for any information is specially prescribed bylaw, rule, announcement, order or the Cabinet's resolution, such law, rule, announcement, order or the Cabinet's resolution shall be also implemented.

Chapter V

Information Service

Clause 19 The information service agency has duties in providing information service in accordance with this Regulation and coordinate with the affiliated agency for benefit in implementation hereunder, and also have powers and duties in performing the following.

- (1) To gather the information which is accurate, updated and permitted to be disclosed for sharing or distributing;
- (2) To facilitate and give advice to the request applicant;
- (3) To notify the request applicant about any information which is unable to be disclosed together with reason;
- (1) To coordinate with the relevant agencies to facilitate the information provision.
- (2) To determine rule and practice of information request.

Clause 20 Upon self-contact by the request applicant at the information service agency to request for information, he or she shall fill up the request form of information service use in the form enclosed herein. If the request applicant has no intent to fill up such form, the officer of the information service agency shall fill up the request form of information service use instead, and ask the request applicant to affix his or her signature prior to proposing to the Director of Information Office or the entrusted person for consideration on further proceeding.

In the event of self-contact by the request applicant at the affiliated agency to request for information, he or she shall fill up the request form of information service use in the form enclosed herein. If the request applicant has no intent to fill up such form, the officer of the affiliated agency shall fill up the request form of information service use instead, and ask the request applicant to affix his or her signature prior to proposing to the Director of Information Office or the entrusted person for consideration on further proceeding.

In the event that the information is requested via telephone, facsimile or any other means apart from self-contact in paragraph one and paragraph two, the officer of the information service agency or the officer of the affiliated agency shall fill up the request form of information service use in the form enclosed herein, remark the request by which means, and then propose it the authorized person under paragraph one or paragraph two for consideration on further proceeding.

Clause 21 In proceeding in accordance with Clause 20, the information service agency and the affiliated agency shall collect statistics of the information request visitor in every case. The affiliated agency shall submit the said statistics and copies of request forms of information service use to the information service agency within September of every year. In addition, the information service agency shall gather statistics of all information request visitors to report to the Official Information Commission of Office of the Permanent Secretary and Ministry of Transport, accordingly.

Clause 22 The information service agency or the affiliated agency shall carry out the information provision as follows.

(1) to provide the information that can be disclosed as proscribed in Official Information Act B.E. 2540 (1997) to the request applicant, and notify the request applicant to affix his or her signature to quickly obtain the requested document;

(2) In the event that the information service agency or the affiliated agency is unable to exercise its discretion to consider whether any information can be disclosed, the said information shall be delivered to propose the Information Board for consideration and judgment whether it can be disclosed.

(3) to facilitate and/or coordinate with the relevant affiliated agency to request for the information in the event of no information available in that agency.

Clause 23 The affiliated agency which owns or possesses or controls the information shall implement and collaborate in providing information to the information service agency for implementation in accordance with the Official Information Act B.E. 2540 (1997).

Clause 24 In the event that the request applicant of the information intends the certification of true copy of the information, the officer of the information service agency or the affiliated agency which owns the said information from section level or equivalent and over shall certify true copy.

Clause 25 Fee collection, fee exemption or fee rate reduction for request of information copy or request of the certified true information copy shall be in accordance with the provision in the Announcement of Expressway Authority of Thailand on Expressway Authority of Thailand's Fee Collection for Request of Information Copy or Request of Certified True Information Copy.

Upon obtaining request and fee for request of copy or request of certified true copy in accordance with the provision in the Announcement of Expressway Authority of Thailand on Expressway Authority of Thailand's Fee Collection for Request of Information Copy or Request of Certified True Information Copy, the information service agency or the affiliated agency shall deliver the said fee to Finance and Accounting Department pursuant to rule and procedure prescribed by Finance and Accounting Department.

Chapter VI

Information Service Premise

Clause 26 The Information Center shall be the center that obtains the issue and provides the information service. It shall be the premise for contacting, inquiring and obtaining the request from the information request visitor.

Clause 27 Information Analysis and Dissemination Section which is the agency that supervise the Information Center to have the following duties.

(1) to give advice, regulate and supervise the information service provision of Expressway Authority of Thailand, and fill up the request form of information service use;

(2) to verify Citizen Identification Card or Identity Card issued by the official, of the information request visitor, to be identical to the completion of statements in the request form of information service use;

(3) to arrange the request form of information service use to be available for service to the information request visitor at the Information Center.

Transitory Provision

Clause 28 Any task under proceeding and incompleting in the date of which this Regulation comes into force shall be further preceded until completion.

Announced on the day of 27th December B.E. 2553 (2010)

Lieutenant Colonel Taweessin Rakkatanyu
Governor of Expressway Authority of Thailand

Request Form of Information Service Use of Expressway Authority of Thailand

For Officer

Request Received No.

Date Month Year.....

Time hrs.

Written at Expressway Authority of Thailand

Date Month Year

Subject Request for Information of EXAT

Attention

I am Mr. Mrs. Miss Other (kindly specify)

Aged years, Occupation Working in Government Service Politician Entrepreneur Mass Media Working for Wage/Money Other Occupation

Position Place

Residing at Address No. Village No. Lane/Alley Road

Sub-district/Khwaeng District/Khet Province

Postal Code Tel.

Request for official information service in accordance with Official Information Act B.E. 2540 (1997)

by Inspection Request Study Request Copy Request (charge payment) Certified True Copy Request (charge payment)

- Subject 1. 2. 3. 4.

For the purpose of

I have already paid for the following fee in kind of paper in total amount ofBaht

For Request Verifying Officer

Signed Request Applicant I have already properly verified the request which is the request of information under Section

Forwarded for further proceeding.

Signed Request Verifier

Position

For Request Considering Person (Chief who controls the Information Center of EXAT. or Chief of Section and over who possesses and supervises the information)

- Permit Pay fee Exempt for fee due to being low-income earner Gain fee reduction due to being low-income earner in the rate of Percent in the amount ofBaht

- Require the permission from the discretion exercising authorized person Unable to carry out due to Vague request Unavailability of information at EXAT Abundant or frequent request without reasonable ground Being the information of (agency) Under carrying out communication and coordination (within fifteen (15) days from received date of request), kindly re-contact within date month year.....

Signed Considering Person

Position

Order for Discretion Exercising Authorized Person (Division Director and over or equivalent)

- Permit the entire disclosure Permit the partial disclosure due to Not permit due to Abundant or frequent request without reasonable ground Possibility of damage against royal institution Inability to disclose under Section 15 due to

Signed Considering Person

Position

Upon non-disclosure order by the agency, if the request applicant disagrees with this order, you are entitled to appeal to the Information Disclosure Tribunal within fifteen (15) days from the acknowledgement date of this order.

Note: The information requester

1. shall be Thai people.
2. is unnecessary to have related interest.
3. is unnecessary to inform the reason.