

Unofficial Translation

Readers should be aware that only the original Thai text has legal force, and that this English translation is strictly for reference.

Notification of the Office of the Securities and Exchange Commission

No. Sor Thor. 38/2565

Re: Rules in Detail on Establishment of Information Technology Systems

By virtue of Clause 3(1) of the *Notification of the Securities and Exchange Commission No. Kor Jor. 16/2561 Re: Rules, Conditions and Procedures for Approval of ICO Portals*, dated 3 July 2018 in conjunction with Clause 6(7) (d) (f) and (g) of the *Notification of the Securities and Exchange Commission No. Kor Jor. 16/2561 Re: Rules, Conditions and Procedures for Approval of ICO Portals*, dated 3 July 2018, as amended by the *Notification of the Securities and Exchange Commission No. Kor Jor. 7/2563 Re: Rules, Conditions and Procedures for Approval of ICO Portals (No. 4)*, dated 24 March 2020, Clause 3(1) in conjunction with Clause 9(4) and (8), Clause 11, Clause 17, Clause 18 and Clause 19 of the *Notification of the Securities and Exchange Commission No. Kor Thor. 19/2561 Re: Rules, Conditions and Procedures for Undertaking Digital Asset Businesses*, dated 3 July 2018, Clause 5(1) in conjunction with Paragraph 1 (6), (11) and (12) of Clause 12 and Clause 14 of the *Notification of the Capital Market Supervisory Board No. Tor Thor. 35/2556 Re: Standard Conduct of Business, Management Arrangement, Operating Systems, and Providing Services to Clients of Securities Companies and Derivatives Intermediaries*, dated 6 September 2013, Clause 4(1) in conjunction with Clause 26 and Clause 32 of the *Notification of the Capital Market Supervisory Board No. Tor Thor. 30/2559 Re: Rules on Operating Derivatives Exchange*, dated 3 August 2016, Clause 5(1) in conjunction with Clause 21, Paragraph 1 of Clause 27, Clause 37 and Clause 43 of the *Notification of the Capital Market Supervisory Board No. Tor Thor. 31/2559 Re: Rules on Operating Derivatives Clearing House*, dated 3 August 2016, Clause 5(1) in conjunction with Clause 11, Paragraph 1 of Clause 17, and Clause 33 of the *Notification of the Capital Market Supervisory Board No. Tor Thor. 32/2559 Re: Rules, Conditions and Procedures for Operating Derivatives Clearing House and Securities Depository*, dated 3 August 2016, and Clause 5(1) in conjunction with Clause 31(1) and Paragraph 1 (d) of (4) of the *Notification of the Capital Market Supervisory Board No. Tor Jor. 21/2562 Re: Rules on Offering for Sale of Securities through Crowdfunding*, dated 12 April 2019, and Clause 31(4/1) of the *Notification of the Capital Market Supervisory Board No. Tor Jor. 21/2562 Re:*

Rules on Offering for Sale of Securities through Crowdfunding, dated 12 April 2019, as amended by the *Notification of the Capital Market Supervisory Board No. Tor Jor. 14/2563 Re: Rules on Offering for Sale of Securities through Crowdfunding (No. 2)*, dated 28 February 2020, the Office of the Securities and Exchange Commission hereby issues the following regulations:

Clause 1 The *Notification of the Office of the Securities and Exchange Commission No. Sor Thor. 37/2559 Re: Rules in Detail on Establishment of Information Technology Systems*, dated 12 September 2016 shall be repealed.

Clause 2 In this Notification:

“*business operator*” means:

(1) an entity granted a license to engage in a securities or derivatives business in the following categories:

- (a) securities brokerage
- (b) securities dealing
- (c) securities underwriting
- (d) investment advisory providing investment planning to clients or using software programs in providing services to clients
- (e) mutual fund management excluding management of mutual funds for foreign investors
- (f) private fund management
- (g) securities borrowing and lending
- (h) securities business finance
- (i) derivatives brokerage
- (j) derivatives advisory providing investment planning to clients or using software programs in providing services to clients
- (k) derivatives manager

(2) digital asset business operator

(3) securities clearing house

(4) securities depository

(5) derivatives exchange

(6) derivatives clearing house

(7) initial coin offering (ICO) portal

(8) crowdfunding portal

“*information technology*” (IT) means information technology used in business operation, including data/information, operating system, application system, database system, hardware and communication system, etc.

“*information technology risk*” means a risk that may arise from the use of information technology, including a cyber security threat, which causes any of the following results:

(1) impact on an application system or the operation of business operator;

(2) impact on information technology security and data risk;

(3) impact on capital market confidence.

“*information technology security*” means the maintenance of confidentiality, integrity and availability of information technology, including other characteristics namely authenticity, accountability, non-repudiation, and reliability.

Clause 3 In the interest of complying with the regulations specified in this Notification, Appendix 1: Vocabulary attached hereunder shall apply to the consideration of complying with such regulations as well.

Clause 4 In the interest of complying with the regulations specified in this Notification, a business operator shall conduct an assessment of information technology systems' impact on the business operation of the business operator according to the RLA (Risk Level Assessment) form, and submit the results of such assessment to the SEC Office within the fourth quarter of each year according to the form and procedures specified on the website of the SEC Office.

The results of the RLA under Paragraph 1 shall be considered by the Board of Directors or the person assigned by the Board of Directors to be in charge of the matter.

Clause 5 Unless specified otherwise in other notifications, a business operator shall perform the following information technology acts:

(1) supervising and managing IT according to the details in Appendix 2: Information Technology Governance;

(2) maintaining IT security according to the details in Appendix 3: Information Technology Security;

(3) conducting IT audit according to the details in Appendix 4: Information Technology Audit.

The term, “other notifications” under Paragraph 1 means notifications of the Securities and Exchange Commission, notifications of the Capital Market Supervisory Board or the notifications of the Office of the Securities and Exchange Commission issued by virtue of the Law on Securities and Exchange, the Law on Derivatives or the Law on Undertaking of Digital Asset Businesses.

Clause 6 In assessing the risk level related to information technology systems (RLA) as specified under Clause 4 for the year 2023, a business operator shall perform the following acts:

(1) assessing the risk level and submitting the results of the first assessment to the SEC Office within 31 July 2023;

(2) assessing the risk level and submitting the results of the second assessment to the SEC Office within 31 December 2023.

Clause 7 This Notification shall come into force on 1 July 2023.

Notified this 28th day of September 2022.

(Ms. Ruenvadee Suwanmongkol)

Secretary-General

Office of the Securities and Exchange Commission