

## Electronic Access to the Courts

### The Administrative Court of Thailand

#### **1. The implementation of your electronic document system**

Presently, the Administrative Court of Thailand has not implemented electronic case filing (e-Filing) yet. However, the Act on the Establishment of the Administrative Court is under an amending process. In the amended Act, the Administrative Court has proposed to include electronic case procedures, which allow plaint submission through electronic channels including the use of fax and other information technology media.

Also, the Administrative Court of Thailand is carrying out a technical feasibility study and developing a prototype for **e-Filing and e-Ligation portal** systems aiming to enhancing the case procedure transparency. The two systems will enable both parties to see litigation documents submitted by the other party, and ensure that the Court has received and reviewed every single piece of document submitted. Consequently, the implementation of the electronic systems will result in better accessibility and increasing public trust in the judicial process.

#### **2. Statistics**

No information available at this time.

#### **3. Observing the adversarial principle**

The amended Act on the Administrative Court Establishment includes plaint and litigation document submission through electronic channels, which simply complies with the adversarial principle.

#### **4. The acceleration of proceedings and urgent proceedings**

If the amended Act on the Administrative Court Establishment is passed, the electronic case procedures will supposedly help expedite the judicial process at the Administrative Court, and provide better service delivery to the citizens.

#### **5. The technical aspects of your electronic document system**

Although the Administrative Court of Thailand has not yet implemented the electronic case procedures, our technical feasibility study and comparison study with other countries reveal some concerns regarding essential infrastructures. At the national level, Thailand has technical limitations, particularly on information infrastructure to accommodate electronic transactions with the

public sector. For instance, Thailand fundamentally lacks of standardized identification and verification process, document authenticity and verification process, and single sign-on for the citizens to interact with the government agencies. Moreover, the government is not fully taking advantage of digital certificate and signature for document security. That results in technical challenges to the development and implementation of the Administrative Court's e-Filing system.

The government agencies, additionally, including the Administrative Court do not have reliable data centers that can ensure their accessibility and availability of the services.

As to the question regarding document submission during the period that the systems are inaccessible, the Administrative Court of Thailand provides plaint and litigation document submission through walk-ins (during business hours) and postal service.

## **6. Keeping information secure**

Fundamentally, the Administrative Court has applied the use of username and password in every application. For the e-Filing and e-Litigation portal system deployment, we are considering the use of two-factor authentication, such as login's password and one-time password (OTP) sent through the user's registered mobile phone.

For the internal users (judges and officials), we also implement the two-factor authentication. We will use a password combining with a smartcard issued for individual users. Furthermore, each user is authorized to access information and litigation documents of the cases that he/she is actively involved.

## **7. Notification of decisions to the parties**

Nowadays, the Administrative Court notifies the litigants through email or fax for urgent court summons. Once the Court has implemented the e-Filing and e-Litigation portal systems in the future, the summons will be delivered through the systems, and short messages will be sent to the litigants' mobile phone and email.

## **8. The influence of electronic document systems on the courts' operating methods**

The Administrative Court plans to establish standards for electronic document formats, file extensions, and so on for parties both in the private and public sectors.

The Administrative Court's internal users would have to change their work practices as well. For example, they will have to familiarize themselves with reading documents through computer screens instead of on paper. This change in work practices may take some time and we surely will have to face and prepare for consequential challenges and tensions.

#### **9. Thailand's Administrative case procedures**

- Inquisitorial procedure
- Document-based procedure
- Simple procedure

#### **10. Plaintiff submission**

The process in the filing of administrative cases is quite simple. There is no specific form of plaintiff for the plaintiff to fill out when he or she files the administrative case with the Administrative Court. Yet, a plaintiff shall be written in polite language and contain relevant information; including the name, address, and signature of the plaintiff as well as the name and address of the administrative agency concerned; all acts constituting justification for the plaintiff; and a motion on how the plaintiff would like the Administrative Court to adjudicate. The plaintiff can file a case by submitting a plaintiff by him/herself to an official or an administrative official, or by registered mail addressed to the Administrative Court according to his or her intention.

#### **11. Directions of electronic case procedures of the Administrative Court of Thailand**

The Administrative Court has been attempting to move towards the electronic Court (e-Court). It has been studying the technical feasibility of the e-Court or e-Admincourt, including e-Filing, e-Litigation portal, and service delivery through electronic systems, as well as other applications, development and implementation. The existing Act on the Administrative Court Establishment is also in an amending process to accommodate electronic case procedures in addition to paper-based procedures.

Furthermore, the Administrative Court of Thailand has started a pilot project of **e-Records** module with the Central Administrative Court in August 2016. The Court has started scanning litigation documents just for internal reference. Following the Korean e-Records or e-Viewer, the scanned documents are yet to be accessible by the litigants in the future. Furthermore, the **e-Certifying** module deploying digital certificate, issued by certificate authority (CA) GlobalSign, is about to be implemented with over 8,000 electronic-format Supreme Administrative Court judgments and orders on the website by the end of

September 2016. Other types of electronic documents issued by the Administrative Court will be e-certified as well.

Moreover, the Administrative Court has launched its very first **mobile application (Admincourt)** for both iOS and Android devices in August this year. The application is a foundation for the judgment and order request module that enable the users to request electronic certified copies of judgments and orders, and other incoming services through the app or the website.

Last but not least, the Administrative Court is working on developing a prototype for e-Filing and e-Litigation portal systems with notification systems via email and SMS services for the litigants.

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