The Right of Access to Information:
Democracy and Good Governance in Thailand

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The right of access to information has been accepted by the Universal Declaration of Human Rights, as adopted by the United Nations (1948) and the B.E. 2540 (1997) Constitution of the Kingdom of Thailand and the B.E. 2550 (2007) Constitution, as the current Thai Constitution, version in use. The important aspect of this right is an increase in the peoples' power to effectively scrutinize the powers-that-be at all levels in order that good governance and the strength of democracy are founded. The paper points out the review and analysis of Thailand's right of access to information, especially on antecedents of free access to information both social and infrastructural preconditions which are necessary for the successful implementation of free access to information for a country's people. The right of access to information supports a vital part of human rights, true democracy and good governance, and bridging it also bridges the Digital Divide. The promotion of access to information has empowered civil society to ensure government accountability.

Keywords: Right of Access to Information, Democracy, Good Governance, Digital Divide, Kingdom of Thailand

1. Introduction

The B.E. 2540 (1997) Constitution and the Official Information Act, B.E. 2540 (1997) have provided an excellent basis for far-reaching governance reform, leading to the recognition that the right of access to information is a central pillar to Thailand democracy, mainly due to the experiences of the past, it has been difficult for the people to have access to government information. As a result, Thailand has come to value unrestricted access to government information as the cornerstone of an open, transparent, participatory and accountable government, which was instilled in the country's constitution.

2. Democratic society and good governance

A democratic society is a society in which all adults have easily accessible, meaningful, and effective ways: (1) to participate in the decision-making processes of every organization that makes decisions or takes actions that affect them, and; (2) to hold other individuals, and those in these organizations who are responsible for making decisions and taking actions, fully accountable if their decisions or actions violate fundamental human rights, or are dishonest, unethical, unfair, secretive, inefficient, unrepresentative, unresponsive or irresponsible; so that all organizations in the society are citizen-owned, citizen-controlled and citizen-driven, and all individuals and organizations are held accountable for wrongdoing. (Democracy Watch's, 2004)

All children should also have easily accessible, meaningful, and effective ways to hold organizations accountable as set out above, but it is acceptable in a democracy to limit children's participation rights until they reach adulthood, mainly because psychological research has shown clearly that almost all children below a certain age do not have fully formed brains, and are not usually as capable of reasonable deliberation and discussion as adults. (Democracy Watch's, Ibid.)

The following participation and accountability measures need to be in place in every organization (both government and corporate, public and private) in any society to fulfill the

definition set out above (and Democracy Watch's campaigns push governments and corporations to implement these measures):

1) A constitution that sets out the essential operating rules for the organization (or the country, province/state, and municipalities), including strong protection of fundamental human rights;

2) An election system for choosing representatives that is fair and results in a governing body that represents citizen votes accurately;

3) A direct decision-making process (initiative and referendum, for example) that allows citizens to initiate decisions and actions on issues that their representatives refuse to address;

4) Strong requirements with no loopholes that apply to every organization (especially every government or government-funded institution, but also every corporate organization (especially large corporations), media, non-profit citizen group, and charitable social service agency) in the areas of:

- Representativeness (elections, public consultation and direct decision-making processes);

- Openness (disclosure requirements and access-to-information laws);

- Honesty (including an honesty-in-politics law with an easily accessible complaint filing process);

- Ethics (including limits on donations, gifts and other money-related ways of influencing decision-makers, and strict regulations on lobbyists), and;

- Spending (strict waste-prevention measures), responsiveness and responsibility in general operations (including publicly disclosed performance standards and performance reports). And these requirements must also apply to every individual in the areas of relationships with other individuals and individual responsibility;

5) To emphasize, the requirements must be strong enough and comprehensive enough to ensure that citizens not only own governments (as voters and taxpayers), corporations (as shareholders), unions and citizen groups (as members), and public resources (land, water, air, TV/radio airwaves, publicly generated research and infrastructure), but also that citizens effectively control governments, corporations, unions and other citizen groups, and public resources;

6) Watchdog agencies (including police) that are fully independent (from political or other biased influence), fully empowered (to investigate and penalize), and fully resourced (to ensure a high chance that violators will be caught) that strictly enforce the strong requirements in the areas of elections, public consultation and direct decision-making processes, access-to-information, honesty, ethics, spending, and general operations, and the strong requirements for individuals concerning relationships with other individuals and individual responsibility;

7) Courts/tribunals that are fully independent (from political or other biased influence), fully empowered (to investigate and penalize), fully resourced (to ensure justice is not unreasonably delayed) to handle disputes about rights and responsibilities in every other area of society (including protection of fundamental human rights);

8) A clear right for anyone to "blow the whistle" on any violation of any requirement, and to be protected from retaliation and rewarded if the requirement violation is proven true;

9) A clear right for citizens to complain to the watchdog agencies, and to the courts/tribunals, if any requirement is violated, including the right to sue as a group (known as "class actions");

10) Penalties for the violation of requirements that are high enough to actually and effectively discourage violations of the requirements;

11) Every large organization (especially government and large corporations) required to assist the citizens affected by it to organize into, and sustain, a citizen group that will advocate for the interests of the citizens and help them hold the organization accountable;

12) An easily accessible means (TV, radio, print publications, Internet sites) for citizens to share key, accurate information with each other about every organizations' record in complying with the strong requirements set out above;

13) An economy large enough to finance the operation of all of the above organizations/investigative agencies/courts/citizen groups, and equitable enough so that every citizen (adults and children) has easy access to the above participation and accountability rights, and;

14) Enough people with the needed skills, knowledge and integrity to ensure that the operation of the above organizations and agencies, and participation and accountability rights, actually functions.

However, it is important to note that even if all 14 measures set out above are in place and functioning effectively, it is still essentially impossible to stop three key undemocratic activities, and as a result these three activities (even if they don't occur very often) will always remain a threat to all societies aspiring to be democracies, as follows:

- It is essentially impossible to stop secret gifts of money and favor-trading corrupting politicians and government officials;

- It is essentially impossible to stop secret lobbying of politicians and government officials and government secrecy overall, and;

- It is essentially impossible to stop police, security and armed forces from abusing their secret investigation powers by invading people's privacy and rights.

From the Democracy Index is an index compiled by the Economist Intelligence Unit examining the state of democracy in 167 countries, attempting to quantify this with an Economist Intelligence Unit Index of Democracy, which focused on five general categories: electoral process and pluralism, civil liberties, functioning of government, political participation and political culture. According to Economist Intelligence Unit's Democracy Index 2008 Thailand scored a total of 6.81 on a scale from zero to ten, rank 54 out of 167 countries. The country is categorized into "*Flawed Democracies*". (Economist Intelligence Unit, 2008)

Good governance may be described as a general array of practices that maximize the common good of a country. According to the Royal Decree On Criteria and Procedures for Good Governance, B.E.2546 (2003), Part I Good Governance, Section 6. The Good Governance is the administration to meet the following targets: (1) responsiveness; (2) result-based management; (3) effectiveness and value for money; (4) lessening unnecessary steps of work; (5) reviewing mission to meet changing situation; (6) providing convenient and favorable services; (7) regular evaluation. (OPDC, 2003)

The fundamental governance challenge confronting Thailand is to ensure the effective implementation of the October 1997 Constitution. This undertaking will be a massive challenge, for the constitution is designed to radically reconfigure the political, legislative, judicial and administrative machinery of government. If successful, Thailand will move to a

more decentralized and participatory structure, in which government institutions at all levels will operate in a more transparent, accountable and responsive fashion. It will take at least a generation to work out all of the implications and ensure that the new practices and procedures are functioning effectively. Unfortunately, Thailand also confronts a number of serious obstacles. A number of influential forces have a vested interest in the status quo, and enthusiasm for the new constitution is not universal among them. Other daunting challenges, such as a highly hierarchical and deferential culture, the practice of vote buying in rural areas, fierce bureaucratic resistance to the decentralization initiatives envisioned in the constitution, and widespread perceptions of corruption, remain very much a part of Thai political and administrative life. (Asian Development Bank, 1999: vii)

Good governance has relations directly linked to democratization. The results of several studies have been recognized internationally, which indicate the country has an increasing democratic stability; it will strengthen the good governance threefold and enhance economic and social development of the country to sustainment. The resulting economic development will change social structures and social processes, lead to an educated middle class being aware of their rights and duties, and the economic freedom will be enough for the base of a democratic society. At the same time, economic development in open systems leads to new values, the flow of information and an open capital, which will allow the country to consider the social interests of the majority. Ethical misconduct on the part of administrators and leaders shall be unacceptable and opposed by the vast majority of the people. The transition will be the foundation for a sustainable democracy. (Office of the National Economic and Social Development Board, 2006: 6-7).

Although Thailand experienced significant institutional changes over the past five years, the impact on the quality of governance is still minimal. The B.E. 2550 (2007) Constitution of the Kingdom of Thailand has only recently started being implemented and the reform process is slow. Intended to improve the quality of governance, the constitution aims at balancing the power between the legislature, the administrative and the judicial, as well as at assigning rights, duties and fair political participation to the Thai citizens. (Odi.org.uk, 2007:1)

Worldwide Governance Indicators capture six key dimensions of governance (Voice & Accountability, Political Stability and Lack of Violence, Government Effectiveness, Regulatory Quality, Rule of Law, and Control of Corruption) between 1996 and present. They measure the quality of governance in over 200 countries, based on close to 40 data sources produced by over 30 different organizations worldwide and are updated on an annual basis since 2002. (Wikipedia, 2010a) Thailand country data report, 1996-2009 found an aggregate indicator: Voice & Accountability as Figure 1
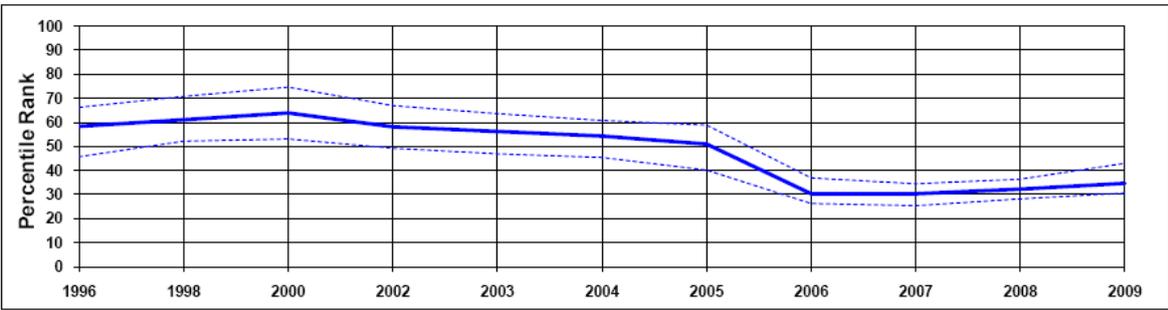

Figure 1 Thailand, 1996-2009 : Aggregate Indicator: Voice & Accountability

Source: World Bank (2010:2)

Apart from providing a vital link between citizens and the state, civil society also provides an environment necessary to enhance community cohesion and decision-making with free access to information being of paramount importance. Effective citizen action becomes possible when citizens develop the skills to gain access to information of all kinds

and to put such information to effective use, suggests Kranich (2003:3). Governments should, therefore, provide the necessary legislative framework and other forms of enabling acts to make this possible. Thus, the enactment of formal statutes by government guarantees their citizens' right of access to government information.

3. Conceptual framework of access to information

Since openness and accessibility of the public to information about the functioning of government has become a vital component of democracy and also an aspect of good governance, Thai's constitutional right to access of information should be discussed within the general framework of access to information as practiced in other democracies. This becomes more important if one considers Thai's Official Information Act, B.E. 2540 (1997) hailed as one of the most progressive pieces of legislation on public access to information.

e-Democracy Model:

e-Democracy (a combination of the words electronic and democracy) refers to the use of information technologies and communication technologies and strategies in political and governance processes. Democratic actors and sectors in this context include governments, elected officials, the media, political organizations, and citizens/voters. (Clift, 2004; Wikipredia, 2010b) e-Democracy aims for broader and more active citizen participation enabled by the Internet, mobile communications, and other technologies in today's representative democracy, as well as through more participatory or direct forms of citizen involvement in addressing public challenges. (Clift, 2004; Ibid.)

e-Democracy is the utilization of information and communication technologies for enhancing a country's democratic processes and empowering its citizens. It supplements the Government's activities by involving citizens more directly in decision-making processes. This allows for each individual citizen to exert a greater influence on policy outcomes. This increased citizen participation leads to better decisions, improved transparency and accountability at all levels of government and administration thus raising people's confidence on the elected representatives and the government as a whole. (Jayasena and Karunaratna, 2007: 14.1)

e-Democracy is a relatively new concept, which has surfaced out of the popularity of the Internet and the need to reinvigorate interest in the democratic process. Access is the key to creating interest in the democratic process. (Stockwell, 2001: Ibid) Citizens are more willing to use Web sites to support their candidates and their campaign drives. (Franke-Ruta, 2003: Ibid) In the United States, just over 50% of the population votes, and in the United Kingdom, only 69% of citizens vote. (Mercurio, 2003: Ibid)

Implementations of e-Democracy is still in its infancy and usually involves the use of the Internet as the primary enabling medium, often supported by other paper and electronic media such as the telephone and TV. e-Democracy is rapidly gaining acceptance in many countries such as Switzerland (World eDemocracy forum; Jayasena and Karunaratna, 2007: 14.3) and England (International Center of Excellence for Local eDemocracy; Ibid.)
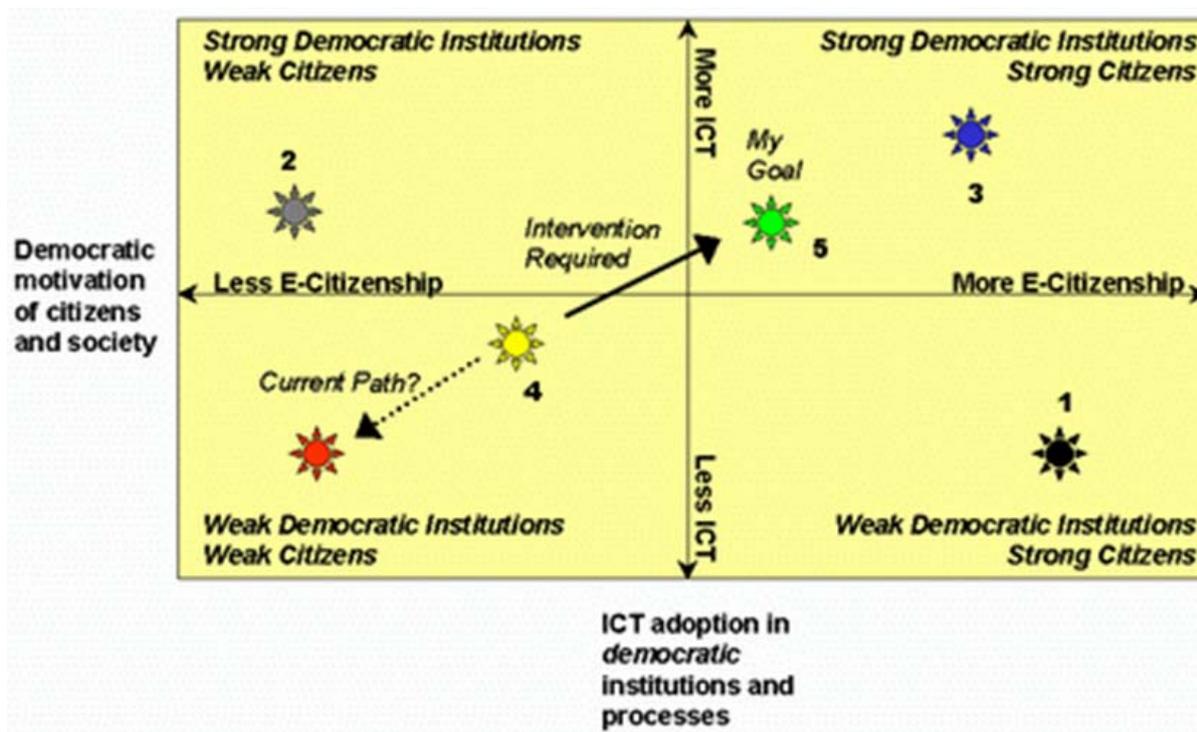
Figure 2 e-Democracy Scenario Cross
Source: Clift (2002)

From the e-Democracy Scenario Cross above, in my view, Thailand has weak democratic institutions and weak citizens, therefore the government must expand the ICT infrastructure to make available the low-cost high-speed and wireless Internet services in all areas, and at the same time encourage people from all walks of life to acquire ICT literacy and use the Internet in an ethical and considerate manner. This leads to benefits for themselves and society as a whole, and lead it to Strong Democratic Institutions and Strong Citizens.

e-Democracy and Democratic movements in Thai society

Based on *Prof.Dr. Prawet Wasi's* model "**the triangle that moves the mountain**" was adapted by Paiboon Wattanasiritham (2010:18). A well-known approach in Thailand was proposed by a respected public intellectual, *Prof.Dr. Prawet Wasi.* The Mountain is seen as a big and very difficult problem, often unmovable while the triangle consists of the creation of relevant knowledge through research, social movement, or social learning and political involvement. The creation of relevant knowledge is vital but inadequate by itself. So, it must interact with social movement or social learning. In turn, without relevant knowledge, social movements cannot gather momentum or may even deviate. Knowledge derived from research must be relayed in a way that it can empower the general public. Politicians prodded by political involvement completes the triangle in that, though they may be shunned by academics, they often control the purse strings as well as have the power to change laws. Without political involvement the structure is not complete, and without knowledge or social activity and political involvement, will not come into play. (Wankaew, 2005: 56)

Using ICT tools to link the 3 parts together will lead to an e-Democratic Society. e-Democracy is based on the right of access to information:
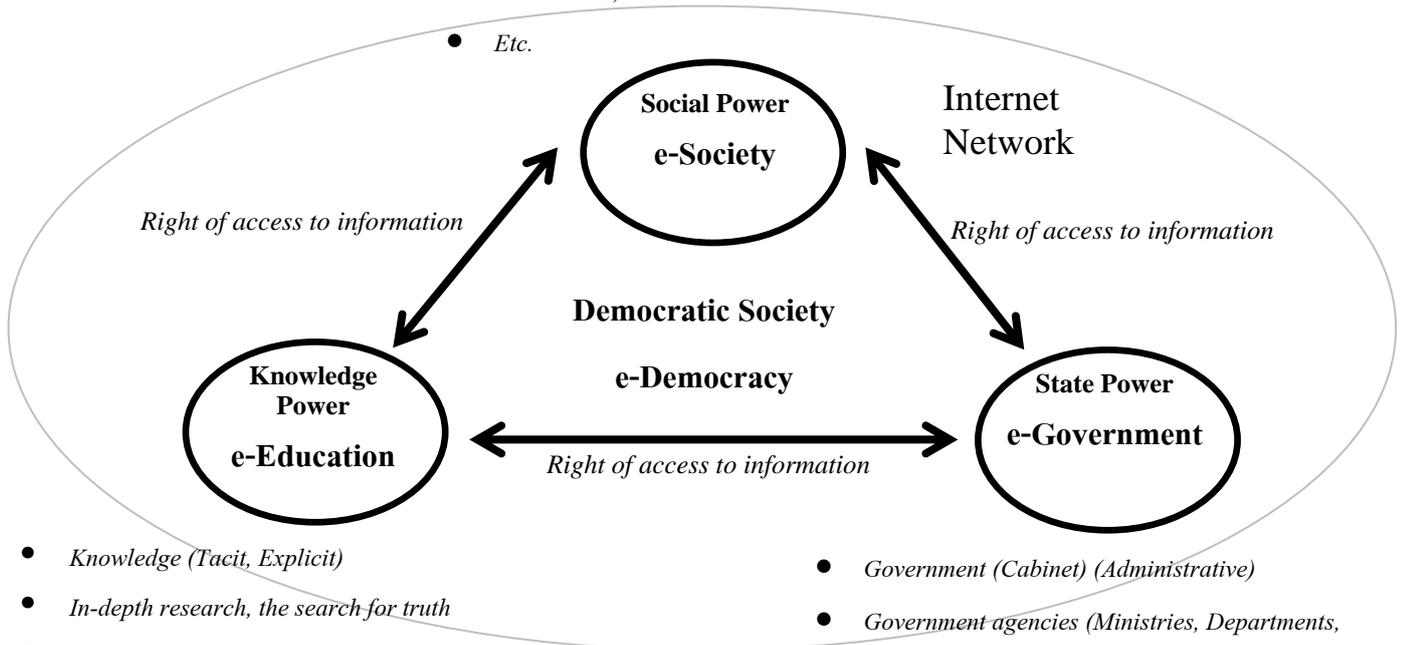
- *Social Power: e-Society* is using Information Technology to support social and environmental development. IT is to be used in support of life-long learning, professional development, and an increase in the quality of life and the environment for the community and society. Central and local educational institutions, public and private

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organizations, and international agencies are to provide assistance and act as advisors in the development, application and continuation of content and knowledge. In addition, these agencies are to provide advice on the enhancement of the capabilities of communities with regard to the utilization of information technology. Thailand's e-Society vision is that all Thai people have equitable access to information technology, and that they are able to use their intelligence and abilities in order to accumulate and apply that knowledge. This development includes life-long learning and professional development, an increase in the quality of life and the environment, and the creation of a caring, Knowledge-Based Society. (National Information Technology Committee Secretariat, 2003.: 51-52)

- ***State power: e-Government*** is the use of information and communication technologies (ICTs) to improve the activities of public sector organizations (Heeks, 2008) and not only modernizing public administration through ICTs but it is a key enabler in the building of citizen-centric, cooperative, "seamless", but polycentric, modern governance (Leitner, 2003; Saxena, 2005). Thailand's e-Government vision is to build a Knowledge-Based Society through the application of electronic means in the administration and services of the public sector before the year 2010 in order to create good governance and enhance national competitiveness, leading to a higher quality of life for Thai society. (National Information Technology Committee Secretariat, Ibid. : 39)

- ***Knowledge power: e-Education*** covers the development and application of the information and knowledge supporting student-centered learning, the development of quality and moral human resources, and the reduction in the disparity on the access to educational services. e-Education supports the development of a Knowledge-Based Society, with particular attention paid to effective administration, the reduction of duplicate investment, the production of quality educational content, the use of technology to enhance educational diversity, and the focus on the educational efficiency of students. Thailand's e-Education vision is that all Thai people have access to, and are able to benefit from, IT for life-long learning, professional development, a better quality of life and environment, with thorough, equal, quality and effective services, thus leading to a Knowledge-Based Society. (National Information Technology Committee Secretariat, Ibid.: 47)

- *People from the area, groups, organizations, etc.*
- *Community Organizations (local communities, others)*
- *Civil societies (NGOs, Foundations, Associations, Groups, Clubs, Networks, etc.)*
- *Scholars, Academic institutions*
- *Businesses (small, medium, large Enterprises)*
- *Ethics, Religions*
- *Mass media, etc.*
- *Etc.*

Social Power
e-Society

Internet
Network

Right of access to information

Right of access to information

Democratic Society

e-Democracy

Knowledge Power
e-Education

State Power
e-Government

Right of access to information

- *Knowledge (Tacit, Explicit)*
- *In-depth research, the search for truth*
- *Understanding of intellectual thought*
- *Moral goodness*
- *Mobilization of knowledge, ideas, intelligence capabilities*
- *Interactive Learning through Action, etc.*
- *Recommendation of public policy (Local level and higher than the local level, specific issues forward, etc.)*
- *Etc.*

- *Government (Cabinet) (Administrative)*
- *Government agencies (Ministries, Departments, Provincial, Governors, Sheriffs, Heads of tambols, Heads of villages) Public Organization, State enterprises, Government agencies other forms.*
- *Parliament (MPs Sen.) (legislature)*
- *Justice (judicial).*
- *An independent constitution (Constitutional Court, Election Commission, National Human Rights Commission, Administrative Court, etc.).*
- *Local administrative organizations*

Figure 3 Relationship between e-Democracy and Democratic Movements
from Prof.Dr.Prawet Wasi's model "the triangle that moves the mountain"

3.1 The importance of access to information

Access to information is regarded as the ability of the citizen to obtain information in the possession of the state. That is *real* information, which is useful and practical, capable of helping the citizen to make an informed opinion on an issue and not simply being overwhelmed by unlimited amounts of government propaganda. Unhindered access to

information, apart from being regarded as an essential ingredient in democratic governance, is also regarded as a fundamental right. Intellectual freedom is a fundamental human right, for without the freedom to think one's thoughts, conceive ideas, formulate views and express them freely there is no possibility of democratic governance (Byrne, 1999; Arko-Cobbah, 2007: 3). Section 1 of Article 19 of the Universal Declaration of Human Rights, as adopted by the United Nations (1948), reflects this view in its affirmation that: "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive, and impart information and ideas through any media regardless of frontiers". Martin and Feldman (1998: 1; Arko-Cobbah, 2007: 3) have summarized the importance of access to information as follows:

- To render the processes of government more open and make those in power accountable;
- To give meaning to freedom of expression, since one can only express meaningful opinion on an issue when he or she is duly informed.

Emerson (1963: 880; Arko-Cobbah, 2007: 3) elucidates the importance of information access by looking at it from the angle of freedom of expression, its concomitant, suggesting that it is mainly used:

- As an assurance of individual self-fulfillment;
- As a means of attaining the truth;
- As a method of securing the participation of members of society in social and political decision-making through a process of open discussion;
- To maintain the balance between stability and change in society.

3.2 Antecedents of free access to information

Arko-Cobbah (2007: 3-4) said there are both social and infrastructural preconditions that are necessary for the successful implementation of free access to information for a country's people. The preconditions include:

- *Political stability*, rulers of a stable state enjoy sufficient confidence that they are not averse to openness nor citizen involvement in governmental decision-making;
- *Independent judiciary*, that is, a judiciary which is independent, impartial and informed is expected to ensure the realization of a just, honest, open and accountable government and is more likely to make a ruling that may be contrary to the interests of the government;
- *Communications infrastructure*, does not only refer to physical needs to be established and maintained by the state for both the travel and telecommunications set-up, but also personal development that takes the form of information literacy;
- *Library and information services*, that encourage free access to information through their open-for-all policy and the organization of official documentation in a manner that enhances easy access to them.

Political stability and the independence of the judiciary, arguably, have a symbiotic effect on free access to information. A spin-off of open government is political stability, just as a judiciary that is independent encourages openness in governance and thus, contributes to political stability. The role played by library and information services in promoting free access to information, though remarkable, is usually neglected, especially in developing countries. As President Franklin D. Roosevelt once said "Libraries are…essential to the functioning of a democratic society…libraries are the great symbols of the freedom of the mind" (Quoted by ALA, 2002; Arko-Cobbah, 2007: 4).

Thailand's Internet Access and ICT infrastructure development

In 2009, in the survey results of the National Statistical Office of Thailand, of Thai citizens who were at least 6 years old 29.30% used only a computer, 12.34 million (20.12%)

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used a computer with an internet connection, and 1.81 million households (9.5%) used a hi-speed internet connection. Most people using computers and the internet were in Bangkok (capital city) and users who lived in the central region (excluding Bangkok). Finally, the North-Eastern region (a rural area) had the least usage of a computer with internet connection. (Government, 2008).

The survey outcome, as mentioned above, showed that Thailand was faced with a serious *Digital Divide* (the gap between people with effective access to digital and information technology and those with very limited or no access at all).

The Second Thailand Information and Communication Technology (ICT) Master Plan (2009-2013) whose vision is *"Driving toward Smart Thailand through ICT"-- "Smart Thailand" refers to a society that develops and uses ICT in a smart manner and adheres to the principles of the sufficiency economy philosophy. People at all levels of society should be smart and information literate. This leads to benefits for themselves and society as a whole. ICT should be managed with smart governance in order to support the development of a knowledge- and innovation based society and economy that are sustainable and stable.*
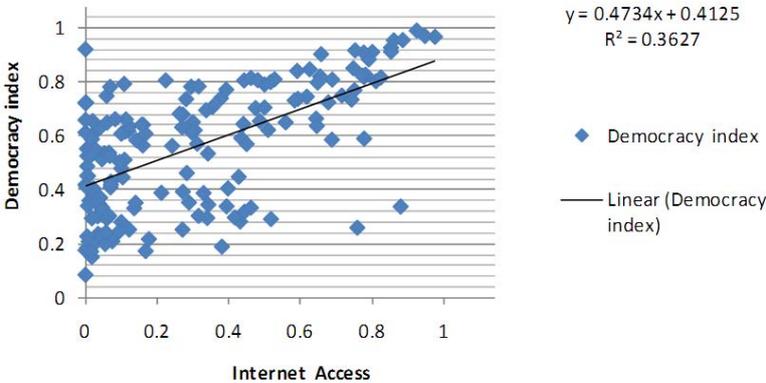
Relevant strategies about the communications infrastructure and good governance is

Strategy 3: Develop ICT infrastructure

This strategy aims to develop and manage ICT infrastructure in order to provide universal access to businesses and citizens around the country, including the disadvantaged and people with disabilities. It will encourage businesses to put in place infrastructure that can keep up with technological evolution, in order to meet increasing consumer demand. The infrastructure should support multimedia services, e-Commerce and other services that are useful for modern lifestyles in a knowledge-based society. At the same time, this strategy also focuses on reducing the digital divide which will then lead to a peaceful and happy society where people enjoy a better quality of life. (MICT, Ibid. 14-15)

Strategy 4: Use of ICT to support good governance in public administration and services Government agencies should use ICT to improve governance in administration and services. A citizen-centric approach should be adopted to provide services in an efficient, effective, transparent and just manner. Participation from all relevant sectors should be encouraged. (MICT, Ibid. 17)

The ICT master plan's goals are: (1) At least 50 percent of the population will have the knowledge and capacity to access, create and use information in an information-literate way in order to benefit education, work and everyday life; (2) Raise the ICT readiness ranking of the country to be at the top quartile group in the Networked Readiness Rankings by 2013.

This plan will assist the systematic planning of bridging the Digital Divide, emphasizing web accessibility and assistive technology development to increase ICT access and reduce the barrier to accessing the information, the simple correlation between Internet Access and Democracy index as shown in *Figure 4*

Figure 4: Simple correlation between Internet Access and Democracy index
Source: NORATUS (2010)

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4. An overview of the Thailand's right of access to information

4.1 The constitutional right of access to information

In the B.E. 2540 (1997) Constitution of the Kingdom of Thailand and the B.E. 2550 (2007) Constitution, as the current Thai Constitution, version in use, the chapter 3 Rights and Liberties of the Thai People; Part 10: Rights in connection with Information and Complaints

Section 56. A person shall have the right to know and have access to public data or information in possession of a Government agency, a State agency, a State enterprise or a local government organization, unless the disclosure of such data or information shall affect the security of the State, public safety or interests of other persons which shall be protected or purport to be personal data, as provided by law.

Section 57. A person shall have the right to receive data, explanations and reasons from a Government agency, a State agency, a State enterprise or a local government organization prior to the approval or the operation of any project or activity which may affect the quality of the environment, health and sanitary conditions, the quality of life or any other material interest concerning such person or a local community and shall have the right to express his or her opinions to agencies concerned, for assisting further consideration of such matters.

In planning social, economic, political and cultural development, or in undertaking expropriation, town and country planning, zoning and making bylaws likely to have impacts on essential interests of the public, the State shall cause to be held comprehensive public hearings prior thereto.

Section 58. A person shall have the right to participate in the decision-making process of State officials in the performance of administrative functions which affect or may affect his or her rights and liberties.

The Constitution, therefore, requires open, accountable and responsive government and this, undoubtedly, demands the right of the public to have access to government-held information. Thailand's conception of democracy is the furtherance of rights and liberties of the people, the encouragement of public roles and participation in the administration and the cross-examination of the exercise of State powers in concrete ways, the formulation of mechanisms for ensuring that political institutions, both in the Legislature and the Executive, shall achieve the equilibrium and efficiency along the line of the parliamentary system and also that the judicial institution and other independent organizations shall perform duties in an honest and fair manner. (Constitution of Thailand, 2007)

The Section affirms the fundamental right of access to information and seeks to promote a culture of transparency and accountability both in the public and private sectors.

4.2 The Official Information Act, B.E. 2540 (1997)

The aims and objectives of the Official Information Act (OIA) aims at creating the framework and regulations that allow the public to access the records being held by government on their behalf and also the records of the private sector needed to exercise or protect any right. the objectives of OIA as follows: (1) To give effect to the right to access information; (2) To generally promote transparency, accountability and effective governance of public and private institutions; (3) To put in place voluntary and mandatory mechanisms or procedures aimed at enabling information requesters to obtain access to records held by the Government as swiftly, inexpensively and effortlessly as reasonably possible; (4) To regulate the need for certain justifiable limitations, such as privacy, government confidentiality, security documents and effective, efficient and good governance and (5) To empower and educate the public to understand their right to access information, so as to exercise such rights in relation to public and private bodies, to understand the functions and operation of public

institutions and to effectively scrutinize and participate in the decision-making process in the country.

4.3 Rule on Maintenance of Official Secrets, B.E. 2544 (2001)

Whereas it is expedient to have a rule on maintenance of official secrets, by virtue of section 16 and section 26 paragraph five of the Official Information Act, B.E. 2540 which contains certain provisions in relation to the restriction of rights and liberties of a person in getting access to official information, in respect of which section 58 and section 29 of the Constitution of the Kingdom of Thailand (1997). That Protection of Information law was due to the authoritarian and secretive apartheid state. It was aimed at dealing with classification and de-classification of government information.

An official government policy document that sets the standards for all government organizations which handle sensitive and/or classified information in order to ensure that the public interest is protected. There are three degrees of classified information, viz. (1) Top Secret; (2) Secret; (3) Confidential. (Krisdika, 2008:3)

4.4 Royal Decree on Criteria and Procedures for Good Governance, B.E.2546 (2003)

This royal decree has 9 parts on Criteria and Procedures for Good Governance - Part I: good public administration; Part II: responsive public administration; Part III: result-based management; Part IV: effectiveness and value for money administration; Part V: lessening unnecessary steps of work; Part VI: mission review; Part VII: convenient and favorable public services; Part VIII: performance evaluation, and Part IX: miscellaneous. In particular, Part VII: convenient and favorable public services, refers to the right of access to information such as:

Section 38. The government agency, after having received written question on any task under its responsibility from people or other government agency, shall have the duty to answer the question or inform what it has done to person or government having such question within fifteen days or within the specified due date under Section 37.

Section 39. The government agency shall establish its information network for providing any information to, or consulting with, people on its performance of duty.

The information network under paragraph one shall be made in accordance with that of the Ministry of Information Technology and Communication under Section 40.

Section 40. In order to facilitate people to have contact with all government agencies quickly, the Ministry of Information Technology and Communication shall establish a central information network.

If the government agency is not capable of establishing its own information network, it may request the Ministry of Information Technology and Communication to ask for personnel, financial and data support from the requested government agency.

Section 41. After having received a complaint, suggestion or comment on unsuitable or inconvenient means of administration, obstacles or other problems from any person and such complaint, suggestion or comment is informative, the government agency shall finish its consideration thereon. Who made a complaint, suggestion or comment, the government agency shall inform the result of its consideration to such person. In this case, the result of consideration may be published in the information network of the government agency.

If the result of consideration is published in the information network of the government agency, the name or address of the person who made a complaint, suggestion or comment shall not be disclosed.
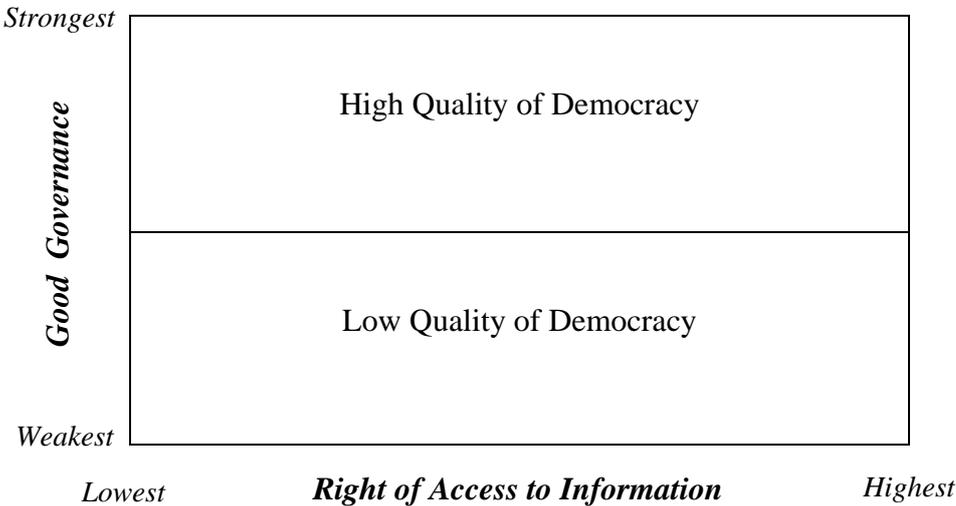
Section 43. The performance of any official duty shall be disclosed. The official secret may be imposed in the case where there is necessary to maintain national security, national economic stability, or public order, or to protect personal right.

Section 44. The government agency shall disclose its information on annual budget, annual procurement as well as any approved procurement contract, and shall enable people to check out or examine that information at the office of such government agency and on its information network. The disclosure of such information shall not be made if it affects the advantage or disadvantage of, or damage to, any person related to such procurement.

In the making of a procurement contract, there shall not be a clause prohibiting the disclosure of any detail of contract, provided that such detail is subjected to law, rule, regulation or ordinance related to the protection of national security or trade secret. (OPDC, 2003)

5. Conclusion

The right of access to information is essential for human rights, good governance and democracy. The role of the Internet is an effective tool for social empowerment in democratic society. It aims to find ways to raise citizens' awareness of their civil and personal rights, liberties and freedoms that they need to become truly and actively involved in politics to the extent that they finally realize the potentials and powers to influence and direct the public policies on social, economic, political and cultural development, and to conduct audits to ensure that the administration of the country is in accordance with the principles of good governance. IT applications such as websites, social networking sites, e-Mail, Web boards, Blogs and Vote systems are excellent venues and channels for the expression and exchange of political views. However, they can be successfully utilized for the benefits of individuals and all members of the society only when freedom of expression is fully recognized under the Constitution.

Figure 5 Right of Access to Information and Good Governance Matrix

[13]

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Biography:

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