

**THE ENGINE ROOM**

# Digital ID in Thailand: A case study

<https://www.digitalid.theengineroom.org>

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# Introduction

In 2019 The Engine Room worked with in-country researchers to explore ID systems in five regions. The goal of this project was to better understand the true effect that digital ID systems have on the local populations that are forced to operate within them.

Our research in Thailand consisted of six focus groups with different communities, six interviews with civil society organisations (CSOs) working with marginalised communities, and six interviews with government officials and IT experts. Additionally, our research team in Thailand hired local interpreters to communicate in migrant languages such as Burmese. This primary research was carried out between February and March 2019. All quotations from key informant interviews and focus group discussions come from the field research phase during this period. More information on the methodology can be found in the global report.<sup>1</sup>

This project aims to understand the lived experiences of individuals, not to reflect representative samples of each population. We cannot necessarily extrapolate one person’s experience to the norm -- though there are times when every person interviewed experienced an aspect of a system the same way -- but each experience gives us insight into how a diverse range of people is impacted by digital infrastructure and protocols that are not designed to address diversity of experience and identity.

## The digital ID systems

Thailand’s first attempt at a biometric digital ID system in 2005 was riddled with problems. The government expected to register 64 million people in three years without conducting a pilot or feasibility study, relied on technologies that were incompatible with one another, failed to provide clarity on how the card functioned and faced bureaucratic complications and accusations of corruption.<sup>2</sup> More recently, the development and piloting of a National Digital ID (NDID) platform to facilitate online transactions has begun,<sup>3</sup> though its roll-out has been delayed numerous times. In September 2018 the government approved a draft bill to set regulations for authentication and require the formation of a national digital ID company to build a platform and database.<sup>4</sup> Reports show a pilot phase starting with bank staff in January 2019,<sup>5</sup> but as late as October government agencies were apparently unable to exchange data as planned.<sup>6</sup> A proposed Government Data

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<sup>1</sup> See The Engine Room. (2020). Understanding the lived effects of digital ID: A multi-country report.  
<sup>2</sup> Gunawong, P., & Gao, P. (2010). Understanding eGovernment Failure: An Actor-Network Analysis of Thailand’s Smart ID Card Project. *PACIS 2010 Proceedings*. 17. <https://aisel.aisnet.org/pacis2010/17>  
<sup>3</sup> National Digital ID Platform (2019). <https://ndidplatform.github.io/docs/introduction>  
<sup>4</sup> Pornwasin, A. (2018, September 16). Mixed reactions to Digital ID draft law. *The Nation Thailand*. <https://www.nationthailand.com/national/30354611>  
<sup>5</sup> Burt. C. (2019a, January 2). Thailand’s decentralized national digital ID goes to testing ahead of mid-year launch. *Biometric Update*. <https://www.biometricupdate.com/201901/thailands-decentralized-national-digital-id-goes-to-testing-ahead-of-mid-year-launch>  
<sup>6</sup> Prachachat. (2019, October 6). <https://www.prachachat.net/ict/news-378280>

Exchange Center will not be fully complete for two more years. As of the time of writing (November 2019) there have been no more updates in projected timelines.

In the meantime, Thailand has a fragmented identification system, with multiple ID systems for different populations administered by five government departments at various levels of digitisation. As Thailand's digital agenda – and with it the widespread use of biometrics across different sectors – gains momentum, it is important to step back and consider the identity experiences of different groups. Since the country's three to five million migrant workers are particularly marginalised and face a complex identification process,<sup>7</sup> much of our research focused on this population.

While we explored how the proposed upcoming national ID system – which will unite some of the discrete systems – is being rolled out, we also documented people's experiences with the Thai government's identification sector more generally. Firstly, we examined the national ID system reserved for those over 60 years old, which focuses on delivering welfare benefits, such as income and healthcare. Secondly, we focused much of our attention on the ID system used by migrant workers to enable legal employment, known as the 'pink card'. Thirdly, we spoke to other marginalised communities about the impact the country's various digital ID systems have had on them.

Under the 'pink card' system, migrants from Laos, Cambodia and Myanmar who enter Thailand without appropriate Thai documents must register for an ID known as the 'pink card',<sup>8</sup> used by government agencies, banks and other service providers to verify identity. It is not clear whether or not this ID is attached to biometric data, but a government informant did tell us that the Thai government collects the DNA of a certain number of migrants each year for "security purposes". Information gathered for this ID includes name and surname, date of birth, current address in Thailand, date of validation, name of employer and address, and type and place of medical care. Migrants register through an employer and are required to re-register with a new employer each time they change jobs.

This NDID system, on the other hand, is primarily focused on banking and financial services and is intended to "enhance digital security to facilitate online transactions, and enable greater access to bank accounts and lending... based on facial recognition and blockchain-powered identity authentication technology".<sup>9</sup> Reports have highlighted interoperability with "UN digital ID and e-authentication collaborations in the Association of Southeast Asian Nations", suggesting potential for data sharing.<sup>10</sup> The development of this system is part of a growing trend towards the use of

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<sup>7</sup> Blomberg, M., & Wongsamuth, N. (2019, August 30). New rules, new debts: Slavery fears rise for migrant workers in Thailand. *Reuters*. <https://www.reuters.com/article/us-thailand-migrants-slavery/new-rules-new-debts-slavery-fears-rise-for-migrant-workers-in-thailand-idUSKCN1VK006>

<sup>8</sup> Isaan Lawyers. (2018). *Pink ID Card for Foreigners in Thailand*. <http://www.isaanlawyers.com/pink-id-card-for-foreigners-in-thailand/>

<sup>9</sup> Burt, C. (2019a, January 2). Thailand's decentralized national digital ID goes to testing ahead of mid-year launch. *Biometric Update*. <https://www.biometricupdate.com/201901/thailands-decentralized-national-digital-id-goes-to-testing-ahead-of-mid-year-launch>

<sup>10</sup> Bangkok Post. (2019, June 29). Digital ID scheduled for year-end. <https://www.bangkokpost.com/business/1703996/digital-id-scheduled-for-year-end>

biometrics in Thailand, including mandatory checks to authorise SIM card purchases,<sup>11</sup> and the reported requirement of mobile phone users in three majority-Muslim states to submit photos for biometric facial recognition, a move criticised by local advocacy groups<sup>12</sup>.

Technology and legal experts have expressed concerns that the NDID system will be no more useful than the previous system, will fall prey to authentication failures and privacy violations, and will be weakened by lack of faith in government reliability.<sup>13</sup> Some Buddhists have also spoken out against digital ID as incompatible with Buddhist dogma.<sup>14</sup> A key informant from the National Economic and Social Development Council countered these concerns by informing us that the government obtained all necessary information for planning and implementation.

## Lived experiences

The interviews and focus groups that were conducted in Thailand in February-March 2019 provide insight on the lived experiences of individuals interacting with the described systems. Since there is very little research on people's experiences with digital ID systems, this qualitative data is useful for understanding the reality for some individuals. **Some of these experiences may contradict official reports, but it is critical to understand that all residents of Thailand do not have one unified experience.** We aim for these learnings to become part of the broader discussion on digital identification solutions in national contexts.

## Little public consultation

The Thai government seems aware of the need for at least some public consultation on their upcoming national digital ID system. They scheduled a public hearing in July 2018 prior to the passage of their digital ID law,<sup>15</sup> and the Ministry of Digital Economy and Society opened public consultation on the Personal Data Protection Bill for two weeks in September of 2018.<sup>16</sup> Still, these opportunities are not accessible for many of the most marginalised populations in Thailand, and we found no evidence of intentional consultation with these communities.

Similarly, neither the pink card nor the ID for people over the age of 60 show much evidence of public consultation. Migrants we spoke with noted that the pink card system was an ongoing

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<sup>11</sup> Lee, J. (2017, February 2). Thailand government introduces fingerprint ID for SIM card registration. *Biometric Update*. <https://www.biometricupdate.com/201702/thailand-government-introduces-fingerprint-id-for-sim-card-registration>

<sup>12</sup> Burt, C. (2019b, June 27). Thailand orders facial biometrics collection for SIM use in Muslim-majority states. *Biometric Update*. <https://www.biometricupdate.com/201906/thailand-orders-facial-biometrics-collection-for-sim-use-in-muslim-majority-states>

<sup>13</sup> Pornwasin, A. (2018, September 16). Mixed reactions to Digital ID draft law. *The Nation Thailand*. <https://www.nationthailand.com/national/30354611>

<sup>14</sup> Kitiyadisai, K. (2004). Smart ID Card in Thailand from a Buddhist Perspective. *Manusya: Journal of Humanities*, 7(4), 37–45. <https://doi.org/10.1163/26659077-00704003>

<sup>15</sup> Bangkok Post. (2019, June 29). Digital ID scheduled for year-end. <https://www.bangkokpost.com/business/1703996/digital-id-scheduled-for-year-end>

<sup>16</sup> Yatim, S. (2018, October 24). Thailand 4.0: Digital ID, Cybersecurity, and Personal Data Protection Developments. *Access Partnership*. <https://www.accesspartnership.com/thailand-4-0-digital-id-cybersecurity-and-personal-data-protection-developments/>

source of frustration and confusion, demonstrating a lack of effective consultation in the system's design. The people we interviewed about the ID for people over age 60 had a number of ideas and concerns they wanted to share with the government, including that some of the government schemes related to the ID are unreasonable for this population, but they did not feel they had opportunities to share this feedback.

## Registration barriers

As of February 2019, there were more than three million documented (and likely many more undocumented) migrant workers in Thailand,<sup>17</sup> the vast majority of whom came from Myanmar. Migrant workers are required by law to register with the Thai government through their employers in order to receive work permits and identification documents. This population must re-register each time they change jobs, which happens frequently due to the precarious nature of migrant work. Information is typically not available in native languages, and labourers must provide a range of documents to support the application process.

In addition to a helpline, the Ministry of Labour has a website<sup>18</sup> where migrant workers can ask questions, and it provides in-person support in some provinces. However, this support isn't delivered consistently and can be hard to come by. Although some provinces have an official to support migrant labourers, one interviewee described how migrants who encounter problems struggle to get support from officials: "If we don't understand new rules, we used to call the hotline of Ministry of Labour, but no one picks up the phone or our calls have been transferred to several officials without any answer or any help." Even when officials do answer calls, this person told us, they do not seem to care or to be informed about migrants' ID needs.

Lack of information and accessibility around this process have led to a dependence on private, unregulated brokers for information and support in navigating these complex bureaucratic procedures.<sup>19</sup> These brokers are also an important stakeholder for ethnic minorities in Thailand who have not been granted full citizenship. While some brokers facilitate the livelihood of migrants and ethnic minorities, these groups are particularly vulnerable to exploitation.<sup>20,21</sup> As one interviewee said, "It is so hard to refuse the service of head-hunters or paying for shortcut ways because we don't know the Thai system and understand Thai language and we can't wait so long to get our paper done." This echoes challenges encountered in other digital ID systems, where the

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<sup>17</sup> International Labour Organization. (2019). *TRIANGLE in ASEAN Quarterly Briefing Note*. [https://www.ilo.org/wcmsp5/groups/public/-/asia/--ro-bangkok/documents/genericdocument/wcms\\_614383.pdf](https://www.ilo.org/wcmsp5/groups/public/-/asia/--ro-bangkok/documents/genericdocument/wcms_614383.pdf)

<sup>18</sup> Thailand Department of Employment. (2016). Complaint System for foreign Workers. <https://www.doe.go.th/helpme>

<sup>19</sup> Human Rights in ASEAN. (2014, February 24). Myanmar Migrant Workers in Thailand Face Visa Extension and Passport Issuance Chaos and Extortion. <https://www.humanrightsinasean.info/campaign/myanmar-migrant-workers-thailand-face-visa-extension-and-passport-issuance-chaos-and>

<sup>20</sup> Pollock, J. (2007). Chapter—Thailand. In Global Alliance Against Trafficking in Women (GAATW) (Ed.), *Collateral damage: The impact of anti-trafficking measures on human rights around the world* (pp. 171–202). Bangkok: GAATW. [https://www.iom.int/jahia/webdav/shared/shared/mainsite/microsites/IDM/workshops/ensuring\\_protection\\_070909/collateral\\_damage\\_gaatw\\_2007.pdf](https://www.iom.int/jahia/webdav/shared/shared/mainsite/microsites/IDM/workshops/ensuring_protection_070909/collateral_damage_gaatw_2007.pdf)

<sup>21</sup> Asean Trade Union Council. (2017, March 3). Thai pink card workers ripped off by brokers. <http://aseantuc.org/2017/03/thai-pink-card-workers-ripped-off-by-brokers/>

'analogue' components of a system, including community engagement and information provisions, are forgotten or deprioritised, resulting in exclusion and loss of trust.<sup>22</sup>

Civil society organisations play an important intermediary role for marginalised groups in Thailand, helping them access ID cards and navigate registration processes through troubleshooting, advice and easy-to-understand resources in migrants' native languages. In some cases, they collect data from people and complete registration on their behalf. Although this tactic is effective in increasing access and creating opportunities for CSOs to advocate for migrant needs and rights, it raises concerns around data protection and privacy. When CSOs are acting as intermediaries in an ad-hoc way, it is impossible to guarantee the security and privacy of data that is collected. Furthermore, an organisation helping migrants told us that the brokers migrants often rely on "cause confusion" and make false claims about the work of civil society that have organisation staff fearing for their safety.

## Rights restrictions

Regardless of which digital ID systems people were subjected to, those who found themselves pushed furthest into the fringes of society expressed deep frustration and concern. Women's and indigenous rights groups interviewed as part of this work raised concerns around the use of digital ID systems in the surveillance and suppression of marginalised communities. One advocacy organisation spoke of trafficking survivors they supported being "blacklisted" by financial institutions – unable to get loans or passport extensions – because of data reflecting experience with sex work: "We are pleased that this woman was helped but later on she shared her problem with us that she can't apply for her new passport or any loan because her record is under the blacklist."

In a focus group with indigenous people, participants expressed a lack of understanding about why their data was collected, as well as how it was used and shared between government departments:

It is convenient for government officials to access individual information through our ID card. Our individual information has been shared with every government agency. We don't have a clue how each agency uses our data. We don't have access to our own information and update it.

Digital ID systems were seen as a way for the government to track and control the community. One interviewee stated:

Government officials know where we live and suggest us not to go outside of our village to join political protests. At one point, government officials knew that our leaders went out of village and organised a consultation with other villagers without informing our leaders.

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<sup>22</sup> Misra, P. (2019). Lessons from Aadhaar: Analog aspects of digital governance shouldn't be overlooked (p. 34). *Pathways for Prosperity Commission*. [https://pathwayscommission.bsg.ox.ac.uk/sites/default/files/2019-02/lessons-from-aadhaar20feb19\\_final.pdf](https://pathwayscommission.bsg.ox.ac.uk/sites/default/files/2019-02/lessons-from-aadhaar20feb19_final.pdf)

While this link between digital ID and government surveillance of indigenous people is unsubstantiated, the views of these communities and their advocates reveal a lack of trust in both the government and digital ID systems.

## Conclusions and recommendations

In this work, we examined the national ID system along with systems affecting two specific communities whose rights are often denied: migrant workers and elderly people. The issues we observed with the migrant workers' pink card in particular raise serious concerns about how the design of ID systems can limit access through language barriers and lack of support around information and navigating registration. That said, the pink card did indeed grant benefits to people who were able to obtain the card, demonstrating the positive potential of these systems.

One of the biggest lessons from the research in Thailand is that the reliance on fragmented infrastructures makes it difficult for both affected populations and potential advocates to properly understand the systems they interact with, which leads to confusion and a decreased ability to push for change. Although NDID may reduce the need for multiple IDs, this system raises questions around data sharing across government agencies and various private sector partners. As we saw with the sex worker example above, broad data sharing can have an adverse impact on already vulnerable populations.

Moreover, the experiences shared with us, especially around the pink card, highlight issues that will undoubtedly be raised in other ID systems. Migrants and non-citizens are often the first to face a denial of rights, which makes these experiences important warnings for institutions implementing digital ID and civil society advocating for the needs of such populations. Addressing the problems found in this research can go a long way toward building user trust and ensuring full enjoyment of the benefits of digital ID systems. If the Thai government aims to make implementation of the NDID far more effective than the platform developed in 2005, regular engagement with diverse constituencies will be critical.

Thailand has a number of digital rights organisations, such as Thai Netizen and Manushya Foundation, both of which advocated for changes to the Cybersecurity Act in late 2019<sup>23</sup> and are well versed in some of the issues surrounding digital ID. In fact, strategic litigation and legal advocacy may play a valuable role in changing the national digital ID system, thanks to the Personal Data Protection Act<sup>24</sup> based on the European Union's General Data Protection Regulation and passed by the Thai government in early 2019. The presence and, hopefully, enforcement of this data protection regulation offers potential for civil society looking for strategies to support a more rights-based approach to digital ID in the future.

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<sup>23</sup> Zsombor, P. (2019, September 24). Rights Groups Urge Thai Government to Curb Powers in New Cybersecurity Act. *Voice of America*. <https://www.voanews.com/east-asia-pacific/rights-groups-urge-thai-government-curb-powers-new-cybersecurity-act>

<sup>24</sup> Thailand National Authorities. (2015). Memorandum of Principles and Rationale of [Draft] Personal Data Protection Act. Translated by Thai Netizen Network. <https://thainetizen.org/wp-content/uploads/2015/01/personal-data-protection-bill-20150106-en.pdf>