Article No. 38/2569
Mr. Artit Johnjaras
Public Relations Officer

Disclosure of Information Regarding Documents Supporting a Search Warrant Application

Mr. Intuch, Deputy District Chief of Si Charoen District, submitted a request to the Revenue Collection Office for the fact-finding investigation report and related documents used to support a search warrant application. The request arose after revenue collection officers obtained a search warrant from Charoen Thani Provincial Court to search Mr. Intuch's grocery store, following a tip-off that illegal cigarettes were being sold on the premises. The Revenue Collection Office refused to disclose the requested information, stating that disclosure would undermine law enforcement efficiency in suppressing offenders, could affect excise tax collection as a principal source of national revenue, and might endanger the lives or safety of officials and informants, as well as constitute official information protected from disclosure or information provided on condition of confidentiality under Sections 15 (1), (2), and (4) of the Official Information Act B.E. 2540 (1997). Subsequently, Mr. Intuch filed an appeal with the Information Disclosure Commissioner.

The Information Disclosure Commissioner relating to Economics and Finance considered that the information subject to the appeal comprised the fact-finding investigation report and related documents, including the search warrant application, witness statements at the warrant application stage, the official memoranda of the Revenue Collection Office, the investigation report on illegal cigarette traders, the revenue collection officer's investigation report, certified forms of civil registration, photographs of the searched premises, photographs of items that were the grounds for the search, and the search warrant execution report. Since these documents relate to completed law enforcement operations conducted under a search warrant issued by Charoen Thani Provincial Court, their disclosure would not undermine law enforcement efficiency in preventing and suppressing offences under the Excise Tax Act B.E. 2560 (2017), nor prevent the achievement of its objectives under Section 15, Paragraph 1 (2) of the Official Information Act B.E. 2540 (1997). Furthermore, as a directly affected party, Mr. Intuch is entitled to know whether the revenue collection officers carried out their duties in accordance with the law. However, disclosing the names, surnames, and addresses of informants and witnesses who provided information during the investigation may deter others from coming forward in future cases and could erode public confidence in the protection of their personal rights, freedoms, and livelihoods under Section 15, Paragraph 1 (4) of the Official Information Act B.E. 2540 (1997). It is therefore ruled that the requested information shall be disclosed, with redaction of the personal information of informants and witnesses involved in the investigation, including their names, surnames, and addresses, and that certified true copies shall be provided to the appellant.

Should there be any inquiries on practices regarding the Official Information Act, B.E. 2540 (1997), please contact the Office of the Official Information Commission, the Office of the Permanent Secretary, the Prime Minister's Office via telephone at 0 2283 4678-79.

"To disclose is the key, to conceal is the exemption"

Translated by
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