

"PDPA" in Thailand

Personal Data Protection Act B.E. 2562 (2019)

was published on 27 May 2019 and
will become effective on **1 June 2021.**

Definition



Personal Data - information related to an individual ("Data Subject") which enables the identification of such Data Subject whether directly or indirectly.

Data Controller - a person or juristic person having the power to make decisions regarding collection, use or disclosure of personal data.

Duties

Data Controllers have duties under the PDPA as follows:



To ensure you can legally collect and use personal data



To ensure you deploy appropriate security measure to protect personal data under your control



To ensure your consent is valid under PDPA



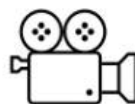
To ensure you have in place a Data Protection Officer



To ensure you have notified data subject of your collection and use of their personal data



To ensure you can identify and minimize unnecessary data or data with no consent



To ensure you have proper record of your collection and use of personal data



To ensure you have proper protocol to comply with your 72-hour reporting duty in case of data breach

Penalties



- Administrative fines (for non-compliance of above duties): up to THB 5 million.
- Criminal liability: imprisonment up to one year and/or fine up to THB 1 million.
- Civil liability: punitive damages up to twice the amount of the actual damages.