

Thailand Personal Data Protection Act Postponement

This is a status update on the new regulations concerning the Personal Data Protection Act B.E. 2562 (**PDPA**) in Thailand. It was previously scheduled that the main provisions of the PDPA would be fully effective on 1 June 2021.

However a Royal Decree has just been published that postpones for one year application of the PDPA on a long list of Data Controllers (as set out below). This postponement will be to **1 June 2022**.

Data Controllers (application of PDPA postponed to 1 June 2022)

1. Government organizations;
2. International government organizations and international organizations;
3. Foundations, associations, religious organizations and non-profit organizations;
4. Agricultural businesses;
5. Industrial businesses;
6. Commercial businesses;
7. Medical and public health businesses;
8. Energy, steaming, water and waste disposal businesses, inclusive of any other relevant businesses;
9. Construction businesses;
10. Repair and maintenance businesses;
11. Transportation and product storage businesses;
12. Tourism businesses;
13. Communication, computer and digital businesses;
14. Finance, banking and insurance businesses;
15. Real estate businesses;
16. Professional practice businesses;
17. Management and support service businesses;
18. Science and technology, academics, social work and art businesses;
19. Education businesses;
20. Entertainment and recreation businesses;
21. Security protection businesses;
22. Family and community enterprise businesses which cannot be clearly classified.

Obligations Postponed

The obligations of such data controllers which are postponed are set out in the following chapters (and Section) of the PDPA:

- Chapter 2 (Data Protection Process),
- Chapter 3 (Data Owner Rights),
- Chapter 5 (Complaint),
- Chapter 6 (Civil liability),
- Chapter 7 (Penalties) and
- Section 95 of the Transition Portion of the PDPA (using Personal Data prior to the effectiveness of PDPA.)

Chapter 1 and Chapter 4 relate only to the PDPA Committee.

Reason and Conclusion

The key reason for this postponement is that PDPA will require a lot of implementation processes which many people and organizations in Thailand are not yet ready. Also, the current Covid-19 situation is still severe at this moment rendering implementation difficult.

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