

PDPC Regulation on Verification and Certification of BCR B.E. 2568 **泰国个人数据保护委员会发布企业约束性规则审查与认证条例**

This legal brief provides a summary of the key principles and provisions of the Personal Data Protection Committee (“PDPC”) of Thailand’s Regulation on Verification and Certification of Binding Corporate Rules B.E. 2568 (A.D. 2025) dated 29th September 2025 (“BCR Regulation”). 本法律简报旨在概述泰国个人数据保护委员会（“PDPC”）于 2025 年 9 月 29 日发布的《企业约束性规则的审查与认证条例（佛历 2568 年（2025 年））》（“BCR 条例”）。以下为 BCR 条例的主要原则及规定。

1. General Provisions, Scope, and Definitions

总则、适用范围及定义

The BCR Regulation establishes the guidelines for verifying and certifying the Binding Corporate Rules (“BCR”), which serves as a mechanism for cross-border data transfers under Section 29 of the Personal Data Protection Act B.E. 2562 (2019) (“PDPA”). The BCR Regulation applies to the BCR for Controllers (“BCR-C”), where members transfer and process data as controllers, and the BCR for Processors (“BCR-P”), where members process data on behalf of external controllers (*Clause 2 of the BCR Regulation*).

BCR 条例确立了用于审查与认证企业约束性规则（“BCR”）的指引，而 BCR 构成泰国《个人数据保护法（佛历 2562 年（2019 年））》（“PDPA”）第 29 条项下的一种个人数据跨境传输机制。BCR 条例适用于针对数据控制者的 BCR（“BCR-C”），即成员以数据控制者身份进行个人数据传输与处理的情形；BCR 条例也适用于针对数据处理者的 BCR（“BCR-P”），即成员代表外部数据控制者处理个人数据的情形（*BCR 条例第 2 条*）。

The BCR Regulation includes the Liable BCR Member, which refers to a group member established in Thailand who explicitly agrees to accept liability and pay compensation for violations committed by members outside Thailand. This is to ensure that data subjects in Thailand have an effective channel for complaints and legal remedies within Thailand. Additionally, third-party beneficiary rights must be explicitly defined, allowing data subjects to enforce their rights under the BCR directly against members as if they were parties to the agreement (*Clause 2 of the BCR Regulation*).

BCR 条例规定了“承担责任的 BCR 成员”，指设立在泰国境内的明确同意就其境外成员所实施的违规行为承担责任并支付赔偿的企业集团成员。该规定旨在确保泰国境内的数据主体在泰国拥有有效的投诉渠道及法律救济途径。此外，BCR 条例明确规定了第三方受益人权利，使数据主体能够像协议方一样，依据 BCR 直接向相关成员主张并行使其权利（*BCR 条例第 2 条*）。

2. Applicant Qualifications and Submission Channels

申请人资格及提交渠道

The applicant must be a member of the same affiliated business or group of undertakings and must be established under Thai law with a physical presence in Thailand. The applicant can be either the headquarters of the group in Thailand or a member assigned responsibility for personal data protection within Thailand if no headquarters exists. Submission of the application can be made directly to the

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Office of the Personal Data Protection Committee (“**OPDPC**”), via post, email, or through other channels designated by the OPDPC (*Clauses 7 and 9 of the BCR Regulation*).

申请人须为同一关联企业或企业集团的成员，并须依据泰国法律设立且在泰国境内具有实体存在。申请人可以是该企业集团在泰国设立的总部，或在未设立泰国总部的情况下，申请人是被指定在泰国境内负责个人数据保护事务的成员。申请可直接提交至个人数据保护委员会办公室（“**OPDPC**”），提交方式包括邮寄、电子邮件，或通过 OPDPC 指定的其他渠道提交（*BCR 条例第 7 条及第 9 条*）。

3. Required Documentation

申请文件

Applications and supporting documents must be in Thai. If the original documents are in a foreign language, a certified and notarized Thai translation must be provided. The required documents include:

申请文件及相关支持性文件必须以泰文提交。如原始文件为外文文件，须提交经认证并公证的泰文译本。申请文件包括：

- (1) **the application form specifying the BCR type (BCR-C or BCR-P);**
载明 BCR 类型（BCR-C 或 BCR-P）的申请表；
- (2) **the complete BCR documents including all appendices and a list of bound members;**
完整的 BCR 文件，包括所有附件及受 BCR 约束的成员名单；
- (3) **a binding instrument, such as an Intra-Group Agreement (IGA);**
具有约束力的文件，如企业集团内部协议（“IGA”）；
- (4) **a referential checklist cross-referencing the regulation’s requirements with the BCR content to speed up the review (optional); and**
将 BCR 条例要求与申请人的 BCR 内容进行对照的参考性清单，以加快审查（可选项）；
及
- (5) **other additional documents (e.g., personal data protection policy, training documents), company affidavit, and power of attorney (if applicable) (*Clause 8 of the BCR Regulation*).**
其他补充文件（如申请人的个人数据保护政策、培训文件）、企业宣誓书，以及授权委托书（如适用）（*BCR 条例第 8 条*）。

4. Special Process for Recognized BCRs

已获他国认证的 BCR 特别程序

The BCR Regulation provides special process for BCRs already approved under the EU GDPR, the UK GDPR, or data protection laws of other countries recognized by the PDPC. In these cases, the applicant may submit proof of the foreign certification and the approved BCR text, accompanied by a Thailand BCR Addendum that contains specific provisions for Thailand, which includes at least the followings:

BCR 条例还规定了特别程序，适用于已依据欧盟《通用数据保护条例》、英国《通用数据保护条例》或其他由 PDPC 认可的国家数据保护法律而获得认证的 BCR。在此情形下，申请人可提交经境外认证的证明文件及已获认证的 BCR 文本，并同时提交一份泰国 BCR 附录，载明适用于泰国的特定条款，且至少应包括以下内容：

- (1) identification of the Liable BCR Member in Thailand;
确定设立于泰国境内的承担责任的 BCR 成员;
- (2) confirmation of third-party beneficiary rights for Thailand data subjects;
确认泰国数据主体享有第三方受益人权利;
- (3) acceptance of the OPDPC's supervisory power and Thai court jurisdiction; and
接受泰国个人数据保护委员会办公室的监管权及泰国法院的司法管辖权; 及
- (4) clarifications to ensure consistency with the PDPA (*Clause 11 of the BCR Regulation*).
说明并确保与泰国《个人数据保护法》保持一致 (BCR 条例第 11 条)。

5. Key Elements and Evaluation Principles 评估要点及原则

For certification, the OPDPC evaluates the BCR based on several core principles including legal effect and binding nature, effective enforcement, duty to cooperate, provisions guaranteeing personal data protection, personal data protection measures, and accountability and other supporting mechanisms (*Clause 12 of the BCR Regulation*).

就认证而言, 个人数据保护委员会办公室将依据其核心原则对申请人的 BCR 进行评估, 包括其法律效力及约束力、有效执行机制、协助配合义务、保障个人数据保护的相关条款、个人数据保护措施, 以及问责机制及其他配套机制 (*BCR 条例第 12 条*)。

6. Review Timeline and Outcomes 审查流程及结果

Upon receipt, the OPDPC performs an administrative check within 15 days. If complete, a case officer conducts a detailed substantive review, which must be completed within 180 days (extendable for necessary reasons) (*Clauses 13 and 16 of the BCR Regulation*). The review results in one of three outcomes:

个人数据保护委员会办公室在收到申请后, 将于 15 日内进行形式性审查。如申请文件齐备, 案件负责人将开展实质性审查, 该审查须在 180 日内完成; 如有必要, 可予以延长 (*BCR 条例第 13 条及第 16 条*)。审查结果可能是以下三种情形之一:

- (1) **Certified:** The BCR fully meets criteria.
通过认证: BCR 完全符合相关标准。
- (2) **Conditionally Certified:** The BCR requires minor amendments within a set timeframe.
附条件通过认证: BCR 需在规定期限内作出少量修改。
- (3) **Not Certified:** The BCR does not meet the criteria (*Clause 15 of the BCR Regulation*).
不予认证: BCR 不符合相关标准 (*BCR 条例第 15 条*)。

7. Validity, Appeals, and Fees 有效期、申诉及费用

Validity: Once certified, the BCR is valid indefinitely until amended or revoked (*Clause 17 of the BCR Regulation*).

有效期: BCR 一经认证, 在被修订或撤销前持续有效, 不设期限 (*BCR 条例第 17 条*)。

Appeals: The applicants can appeal a rejection or conditional certification under administrative law procedures (*Clause 18 of the BCR Regulation*).

申诉: 申请人可依据行政法程序，就不予认证或附条件通过认证的決定提出申诉（*BCR 条例第 18 条*）。

Fees: There are no fees or service charges for processing applications (*Clause 19 of the BCR Regulation*).

费用: 受理及审查申请不收取任何费用或服务费（*BCR 条例第 19 条*）。

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