

Postponement of PDPA Enforcement

Thailand postpones the enforcement of the Personal Data Protection Act B.E. 2562 (“**PDPA**”) for another year effective from 27th May 2020 to 31st May 2021. The postponement was made by the Royal Decree on Entities and Businesses Not Subject to Enforcement of the PDPA B.E. 2563 dated 20th May 2020 published in the Government Gazette on 21st May 2020 (“**RD**”).

The PDPA enforcement was postponed because the public and private sectors are not yet ready for the full enforcement of the PDPA by its full effective date of 27th May 2020 due to its high technology requirements for its compliance and the Covid-19 pandemic.

The postponement does not apply to Chapters 1 and 4 and the interim provisions of the PDPA. This means the requirements, steps and procedures for establishing the Personal Data Protection Committee (“**PDPC**”), the PDPC Office, the PDPC Office Supervision Committee, the Expert Committees and the Sub-Committees and the preparation of the PDPA implementation rules will continue to be in force.

The RD lists 22 types of government offices and private legal entities which are not subject to the PDPA during the postponement period. These include Thai government agencies, foreign government agencies, international organizations, foundations, associations, religious organizations, non-profit organizations, agricultural businesses, industrial businesses, commercial businesses, etc. If there is a question as to whether or not any office or entity falls within this list, the PDPC has the power to review the question and give a decision.

PDPC Appointment

On 19th May 2020 the Cabinet approved the appointment of the Chairman and the 9 expert committees of the PDPC. The Chairman is Mr. Thienchai Na Nakorn. The 9 expert committees are those with expertise in the fields of personal data protection, consumer protection, IT and communication, social science, law and regulation, public health, finance and government information management. Joining them as committees ex officio are the Permanent Secretary of the Prime Minister Office, the Secretary-General of the Council of State, the Secretary-General of the Consumer Protection Board, the Director-General of the Rights and Liberties Protection Department and the Attorney General.

We expect that the PDPC will issue a number of PDPA implementation rules in 2020 and 2021. Businesses should continue or start their preparation for the full enforcement of the PDPA starting from 1st June 2021. It is unlikely for the enforcement of the PDPA to be postponed again in 2021.



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