



Personal Data Protection Act: Postponement Alert

POSTPONEMENT OF PDPA EFFECTIVE DATE FROM 1 JUNE 2021 TO 1 JUNE 2022

Due to the recent outbreak of COVID-19 in Thailand, the Thai Cabinet believes that full enforcement of the PDPA requirements for the use, collection and disclosure of the personal data under the Personal Data Protection Act B.E. 2560 (“**PDPA**”) can be challenging as they are complex and requiring a high-level of technology for effectively protecting the personal data of data subjects.

Accordingly, the Thai Cabinet will postpone the PDPA effective date from 1 June 2021 to 1 June 2022 and has published a Royal Decree on Business or Entities of which the Data Controller is exempt from enforcement under the PDPA in the Government Gazette with the effect from 27 May 2020 to 31 May 2022 (No. 2) on 8 May 2021.

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Under this Royal Decree, the businesses and entities which are exempt from the PDPA enforcement for another 1 year as a data controller are as follows: -

- (1) Governmental authorities
- (2) Foreign government authorities and international organizations
- (3) Foundation, association, religious organization, non-profit organization
- (4) Agricultural business
- (5) Industrial business
- (6) Commercial business
- (7) Medical and public health
- (8) Energy, steam, water, waste disposal business including relevant business activities
- (9) Construction business
- (10) Repair and maintenance business
- (11) Transportation, logistics and warehouse business
- (12) Tourism business
- (13) Communication, telecommunication, computer and digital business
- (14) Financial, banking and insurance business
- (15) Real estate business
- (16) Professional business
- (17) Management and support service business
- (18) Science and technology, academic, social work, and art business
- (19) Educational business
- (20) Entertainment and recreational business
- (21) Security business
- (22) Household, community enterprise which its activities cannot be clearly classified

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DELOITTE'S OBSERVATION

Notwithstanding the above, the data controllers are still required to put in place sufficient security protection on the personal data in an acceptable standard set forth by the Ministry of Digital Economy and Society ("MDES"), although the effective date of PDPA has been postponed for another year. The details of the said standard have been announced by the MDES as per the MDES' Notification on Personal Data Protection Standard B.E. 2563 (2020) dated 17 July 2020.

With this regard, we highly recommend all stakeholders to monitor on further announcements by the Thai Cabinet and the MDES and to roll-out necessary measures so that when the full effective date of PDPA has come, you will be ready and well-prepared for all enforcements, lessening the legal risks that may appear, as well as having a full understanding and awareness within your organization.

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