



PDPA Alert

February 2025

Where legal meets business

Thailand: First Penalties Imposed on a Business Under Personal Data Protection Law

Recently, the Personal Data Protection Committee (“**PDPC**”) with the 2nd Expert Committee (“**Expert Committee**”) has issued its first penalty against a Thai company in the retail business. The company was found to have violated the provisions of the Personal Data Protection Act B.E. 2562 (A.D. 2019) (“**PDPA**”), in brief as follows:

The company was considered to be a data controller under the PDPA and was reliant on the processing of its customers’ personal data in large quantities. It was therefore required to designate a data protection officer (“**DPO**”). However, the company failed to appoint a DPO within the required timeframe and was fined in the amount of THB 1 million, which is the highest amount fine imposable by the PDPC for this offence.

As the company was a data controller under the PDPA, the company was obligated to put in place adequate security measures as prescribed by the PDPC. However, it was discovered that the company did not have such measures in place and the company's employees across multiple departments had access to customer information without any limitations, access controls, or authorization measures. As a result, the company was fined THB 3 million by the PDPC for this offence, which is the highest amount imposable under the PDPA for this violation.

As a data controller, the company was obligated to make notifications to the PDPC and the relevant data subjects in specified cases of personal data breach. In this case, the company was required to notify both the PDPC and the data subjects of the data breach but failed to do so within the prescribed time. For this offence, the company was fined THB 3 million by the PDPC, which is the highest amount imposable under the PDPA for this violation.

The company was fined a total of THB 7 million for the above three violations, and the company was required to make immediate rectifications and report to the Expert Committee on its progress. In addition, the company must also provide training on personal data protection to its personnel to raise awareness on data protection.

Deloitte's Observation

This case represents one of the first instances where the PDPC has taken enforcement action against a data controller for failing to meet its obligations under the PDPA. The penalty imposed serves as a clear reminder that compliance with the PDPA is mandatory, and that violations will lead to significant consequences. Business operators must therefore ensure full adherence to their obligations under the PDPA to avoid facing penalties, which could lead to financial and reputational impacts.

Contacts

For more information and how Deloitte can help you, please contact:

Michael Fiore

Partner - Tax & Legal

Tel: +66 (0) 2034 0126

Email: mfiore@deloitte.com

Sutthika Ruchupan

Counsel - Legal

Tel: + 66 (0) 2034 0000 Ext. 11473

Email: sruchupan@deloitte.com



Dbriefs

A series of live, on-demand and interactive webcasts focusing on topical tax issues for business executives.



Power of With

Focus on the power humans have with machines.



Tax@hand

Latest global and regional tax news, information, and resources.

Get in touch



Deloitte Thailand | Add as safe sender

Deloitte refers to one or more of Deloitte Touche Tohmatsu Limited ("DTTL"), its global network of member firms, and their related entities (collectively, the "Deloitte organization"). DTTL (also referred to as "Deloitte Global") and each of its member firms and related entities are legally separate and independent entities, which cannot obligate or bind each other in respect of third parties. DTTL and each DTTL member firm and related entity is liable only for its own acts and omissions, and not those of each other. DTTL does not provide services to clients. Please see www.deloitte.com/about to learn more.

Deloitte Asia Pacific Limited is a company limited by guarantee and a member firm of DTTL. Members of Deloitte Asia Pacific Limited and their related entities, each of which are separate and independent legal entities, provide services from more than 100 cities across the region, including Auckland, Bangkok, Beijing, Hanoi, Hong Kong, Jakarta, Kuala Lumpur, Manila, Melbourne, Osaka, Seoul, Shanghai, Singapore, Sydney, Taipei and Tokyo.

About Deloitte Thailand

In Thailand, services are provided by Deloitte Touche Tohmatsu Jaiyos Co., Ltd. and its subsidiaries and affiliates.

This communication contains general information only, and none of Deloitte Touche Tohmatsu Limited ("DTTL"), its global network of member firms or their related entities (collectively, the "Deloitte organisation") is, by means of this communication, rendering professional advice or services. Before making any decision or taking any action that may affect your finances or your business, you should consult a qualified professional adviser.

No representations, warranties or undertakings (express or implied) are given as to the accuracy or completeness of the information in this communication, and none of DTTL, its member firms, related entities, employees or agents shall be liable or responsible for any loss or damage whatsoever arising directly or indirectly in connection with any person relying on this communication. DTTL and each of its member firms, and their related entities, are legally separate and independent entities.

© 2025 Deloitte Touche Tohmatsu Jaiyos Advisory Co., Ltd.