



PDPA Alert

May 2025

Where legal meets business

New Notification of the PDPC Re: Exemption to the Record of Processing Activities Requirement for Data Controllers That Are Small Businesses B.E. 2567 (2024) is now in effect

The Personal Data Protection Committee (“**PDPC**”) recently issued a notification revising the exemption of small businesses from the requirement to maintain a Record of Processing Activities (“**ROPA**”). This updated notification, which took effect in April 2025, replaces the previous notification issued on 20 June B.E. 2565 (2022). The changes expand the scope of small businesses eligible for the exemption while refining the criteria to enhance alignment with the Personal Data Protection Act B.E. 2562 (“**PDPA**”).

Key Updates in the Notification of the PDPC Re: Exemption to the Record of Processing Activities Requirement for Data Controllers That Are Small Businesses B.E. 2567

Expanded Scope of Small Businesses

The updated Notification adds categories of small businesses eligible for ROPA exemptions from 6 to 8 groups. The following summary provides a comparison of the exempted categories between the 2 Notifications of the PDPC.

Notification B.E. 2565	Notification B.E. 2567
1. Small or medium-sized business according to the law on small and medium-sized enterprise promotion	1. Small or medium-sized business according to the law on small and medium-sized enterprise promotion
2. Community enterprise or social enterprise, as referred to under the law on community enterprise promotion.	2. Community enterprise or social enterprise, as referred to under the law on community enterprise promotion.
3. Social enterprise, as referred to under the under the law on social enterprise promotion.	3. Social enterprise, as referred to under the under the law on social enterprise promotion.
4. Cooperative, cooperative union, or agriculturist's group under the law on cooperatives.	4. Cooperative, cooperative union, or agriculturist's group under the law on cooperatives.
5. Foundation, association, religious body, or non-profit organization.	5. Foundation, association, religious body, or non-profit organization.
6. Household business or other business of the same nature.	6. Juristic persons operating condominiums or housing developments.
-	7. Household business or other business of the same nature.
-	8. Businesses run by individuals (sole proprietors).

Exclusions Based on Section 41 of the PDPA

The Notification B.E. 2567 introduces a new condition, specifying that businesses qualifying for the exemption must not fall under Section 41 (1)–(3) of the PDPA. This refers to a Data Controller and Data Processor that is required to designate a Data Protection Officer under the following circumstances:

- The Data Controller or Data Processor is a public authority as prescribed and announced by the Committee;
- The activities of the Data Controller or the Data Processor in collection, use, or disclosure of Personal Data require regular monitoring of the Personal

Data or the system, by the reason of having a large number of Personal Data as prescribed and announced by the Committee;

- The core activity of the Data Controller or the Data Processor is collection, use, or disclosure of Personal Data according to section 26 of PDPA.

In addition, Notification B.E. 2567 removes the condition that previously exempted a business that is a service provider required to maintain computer traffic data under the Computer-Related Crime Act B.E. 2550 (2007), unless it is an internet café. This clause is no longer part of the criteria for ROPA exemptions.

Conditions Where ROPA Exemptions Do Not Apply

The Notification B.E. 2567 retains the provisions from the Notification B.E. 2565, specifying situations where ROPA exemptions will not apply if collection, use, or disclosure of the Personal Data is related to the following:

- Risk to individual rights and freedoms of a Data Subject;
- Occasional collection, use, or disclosure of Personal Data; and
- Collection, use, or disclosure of sensitive Personal Data e.g., race, health record, and biometric

Deloitte's Observation

The Notification B.E. 2567 introduces the changes to support small businesses while ensuring the protection of personal data. Therefore, businesses are advised to carefully assess whether they meet the new criteria and conditions for ROPA exemption. For those that do not qualify, compliance with ROPA requirements remains mandatory.

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