



Personal Data Protection Act: Postponement Alert 法务快讯

POSTPONEMENT OF PDPA EFFECTIVE DATE FROM 1 JUNE 2021 TO 1 JUNE 2022 个人信息保护法施行日展延 至 2022 年 6 月 1 日

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. 泰国个人信息保护法（以下称“个人信息法”）旨在保护个人信息主体，因而在个人信息的收集、使用与披露等方面都有相关规范，本质上有一定的复杂性，且需要借重科技的辅助来落实。由于近期 COVID-19 疫情再起，泰国政府内阁认为全面施行将对社会各界带来相当程度的挑战。

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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. 因

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此·内阁决定将个人信息法施行日展延至 2022 年 6 月 1 日·并于 2021 年 5 月 8 日以皇家法令与政府公报发布·同时在原施行日 (2021 年 5 月 27 日) 至 2022 年 5 月 31 日间豁免个人信息控制者 (Data Controller) 在个人信息法下的责任。

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: - 在皇家法令中豁免个人信息控制者责任的对象包含下列企业或个体：

- (1) Governmental authorities 政府机关;
- (2) Foreign government authorities and international organizations 外国政府机关与国际组织;
- (3) Foundation, association, religious organization, non-profit organization 基金会、协会、宗教组织、非营利组织;
- (4) Agricultural business 农业经营者;
- (5) Industrial business 工业经营者;
- (6) Commercial business 商业经营者;
- (7) Medical and public health 医药与公共卫生;
- (8) Energy, steam, water, waste disposal business including relevant business activities 能源、蒸气、水利、废弃物处理与相关行业经营者;
- (9) Construction business 建设业经营者;
- (10) Repair and maintenance business 维修业经营者;
- (11) Transportation, logistics and warehouse business 运输、物流、仓储业经营者;
- (12) Tourism business 旅游业经营者;
- (13) Communication, telecommunication, computer and digital business 传播、通讯、电脑与数字科技业经营者;
- (14) Financial, banking and insurance business 金融、银行与保险业经营者;
- (15) Real estate business 不动产业经营者;
- (16) Professional business 专业服务业经营者;
- (17) Management and support service business 管理与支持服务业经营者;
- (18) Science and technology, academic, social work, and art business 科技、学术、社会工作、艺术业经营者;
- (19) Educational business 教育事业经营者;
- (20) Entertainment and recreational business 娱乐休闲业经营者;
- (21) Security business 安全管理业经营者;
- (22) Household, community enterprise which its activities cannot be clearly classified 无法明确归类之家庭、社区事业。

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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. 尽管个人信息法施行日再度展延一年，个人信息控制者仍须针对个人信息采取足够的信息安全措施，且该措施必须要符合数字经济与社会部（Ministry of Digital Economy and Society）的规范，此规范已于2020年7月17日由数字经济与社会部公告。

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. 我们建议您除了追踪观察政府政策发展，更应该对组织涉及的个人信息的全面理解，同时展开管理个人信息生命周期之必要准备措施，确保在法令施行前就绪，以减低相关法令遵循风险。

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