

Personal Data Protection Act 2019

and announcement of the Personal Data Protection
Committee related





act Personal
information protection
2019

His Majesty King Maha Vajiralongkorn His Majesty King Vajiralongkorn,
given on the 24th day
of May, B.E. 2562, being the 4th
year of the present reign.

His Majesty King Maha Vajiralongkorn His Majesty King Vajiralongkorn
There is a royal command to proclaim that

Whereas it is expedient to have a law on personal data protection This Act
has certain provisions regarding the classification of limiting the rights and freedoms of individuals, which
Section 26 together with Section 32, Section 33, and Section 37 of the Constitution of the Kingdom of Thailand
Command to do This can be done by virtue of having authority according to the provisions of the law

The reason and necessity for limiting the rights and freedoms of individuals under this Act is to
ensure effective protection of personal data and to provide remedial measures for owners of personal data
from Effective violation of personal data rights The enactment of this Act is consistent with the conditions.
as provided in Section 26 of the Constitution of the Kingdom of Thailand

Therefore, His Majesty graciously graciously An Act shall be enacted with the advice and consent
of The National Legislative Assembly The duties of

the National Assembly are as follows: Section 1. This Act is called "Personal Data Protection Act
2019

Section 2. This Act shall come into force from the day following the date of its publication in the Royal Gazette onwards, except for the provisions of Chapter 2, Chapter 3, Chapter 5, Chapter 6, Chapter 7 and the provisions of Section 95 and Section 96, which shall come into force after the expiration of the Act. The period is one year from the date of publication in the Royal Gazette onwards.

Section 3. In the case where there is any law specifically stipulating the protection of personal data in any manner, any business, or any agency, To be enforced in accordance with the provisions of the law. regarding that matter, except (1) provisions regarding the collection,

use, or disclosure of personal data and provisions regarding the rights of the owner of personal data, including related penalties; To be enforced according to the provisions of this Act are additional, whether they duplicate the provisions of the law on that matter or not. (2) Provisions regarding complaints. Provisions that allow Give authority to the expert committee to issue orders

to protect personal data owners. and provisions regarding The powers and duties of the official, including related penalties The provisions of this Act shall be enforced. In the following cases: (a) in the case where the law on that matter does not have a provision regarding complaints; (b) in the case where the law on that matter has a provision giving permission Give

authority to the officials who have the authority to consider complaints according to the said

law and issue a decision. Order to protect the owner of personal data But it is not as sufficient as the power of the expert committee under this Act and the authorized officials. authority under such law Request to the expert committee or the owner of the injured personal data to submit a complaint. Make a complaint to the committee Experts under this Act, as the case may be. Section 4. This Act does not apply to: (1) the collection, use, or disclosure of personal data of persons who to collect data personal use only for personal benefit or for the activities

of that person's family; (2) operations of government

agencies that have the duty to maintain state security, including fiscal security of the state or maintaining public safety Including duties related to Prevention and suppression of money laundering Forensic science or maintaining cyber security

(3) a person or juristic person who uses or discloses personal information that collected only For mass media activities, artistic works, or literary works that are in accordance with professional ethics. or is of public interest only

(4) the House of Representatives, the Senate and the National Assembly, including the committees appointed by such houses; which collects, uses, or discloses personal information in consideration of duties and authority and the powers of the House of Representatives, Senate, National Assembly, or committees, as the case may be.

(5) Court judgments and proceedings. and the performance of officials in the judicial process
Execution and deposit of property, including operations according to the criminal justice process

(6) Processing of information of credit information companies and members in accordance with the law.
Operating a credit information business

Exemption from import The provisions of this Act, in whole or in part, shall apply to
Who controls personal data in what manner? What business or agency does it? in the same manner as the data controller
Personal according to paragraph one or for any other public benefit Let it be enacted as a royal decree.

Personal data controller under paragraph one (2), (3), (4), (5) and (6) and data controller.
Personal information of agencies that are exempted as specified As specified in the Royal Decree under paragraph two, there must be
Maintaining the security of personal information is in accordance with standards as well.

Section 5 This Act shall apply to the collection, use or disclosure of information.
Personal data by the personal data controller or personal data processor located in the Kingdom, whether
The collection, use, or disclosure is done within or outside the Kingdom.

In the case where the personal data controller or personal data processor is outside the Kingdom This Act shall govern
the collection, use, or disclosure of personal information of the data owner.
Personal persons who are in the Kingdom through and the activities of the personal data controller or processor.
Such personal information When it is the following activities

(1) Offering goods or services to owners of personal data residing in the Kingdom, whether
Will there be payment of the personal data owner or not?

(2) Monitoring the behavior of the owner of personal data occurring in the Kingdom.

Section 6 in this Act "Personal information"

means information about an individual that so that that person can be identified
whether directly or indirectly But it does not include information about the specific person who

has passed away. "Personal data controller" means a person or juristic person who has the power authority to make decisions
Concerning the collection, use, or disclosure of personal information

“Personal data processor” means a person or juristic person who conducts to take action regarding Collection, use, or disclosure of personal information according to under the order of or on behalf of the Personal Data Controller. The person performing such operations is not the controller of personal data.

“Person” means a natural person. “Committee”

means the Personal Data Protection Committee. “Competent official” means a person appointed by the Minister to carry out the duties under this Act. “Office” means the Office of the Personal Data Protection Board. “Secretary-General” means the Secretary-General of the Personal Data Protection Board. “Minister” means the Acting Minister. according to this act

Section 7: The Minister of Digital Economy and Society shall oversee the implementation of this Act and to have the power to appoint officials To carry out this Act

Category 1

Personal Data Protection Committee

Section 8: There shall be a Personal Data Protection Committee consisting of:

(1) Chairman Which selects and appoints people with knowledge Expertise and experience

It is evident in the protection of personal information. Consumer protection Information technology and communication Social science, legal, health, financial, or other fields. They must be relevant and beneficial to the protection of personal information.

(2) Permanent Secretary of the Ministry of Digital Economy and Society is vice chairman of the board

(3) Five ex officio members, including Permanent Secretary, Office of the Prime Minister, Secretary-General.

Council of State Secretary General of the Consumer Protection Board Director-General of the Department of Rights and Freedoms

Protection and the Attorney General (4) nine qualified members selected and appointed from those with knowledge Expertise and experience is evident in the field of personal data protection Consumer protection Information and communication technology Social science, legal, health, financial, or other fields. They must be relevant and beneficial to the protection of personal information.

The Secretary-General shall be a member and secretary. and the Secretary-General shall appoint employees of the Office.

There can be no more than two assistant secretaries.

Criteria and methods for recruiting individuals to be appointed as chairman of the board and qualified directors including the selection of the chairman of the board of directors and qualified directors to replace those who retire from office.

Before the agenda according to section 13 To be in accordance with the announcement of the Cabinet, taking into account transparency.

and fairness in recruiting

Section 9. There shall be a selection committee of eight people to be responsible for selecting persons who deserves to be appointed as the chairman of the committee under section 8 (1) or an expert committee member

According to Section 8 (4), it consists of

- (1) two persons appointed by the Prime Minister; (2) two persons appointed by the Speaker of the National Assembly; (3) two persons appointed by the Ombudsman; and
- (4) Two persons appointed by the National Human Rights Commission.

In the case where the person with authority Persons with the power to appoint under (2), (3) or (4) cannot appoint a selection committee. on their part within forty-five days from the date of receipt of notification from the Office. The Office shall nominate the person to the Prime Minister.

Consider appointing an appropriate person to be a member of the selection committee in place of an authorized person. authority to appoint

The Selection Committee shall elect one member of the Selection Committee to be the Chairman of the Selection Committee and

Select another member of the selection committee to be the secretary of the selection committee and have the office perform its duties.

It is the administrative unit of the selection committee.

In the event that the position of the Selection Committee is vacant, proceed to have a Selection Committee member replace it. that position quickly While there is still no new selection committee The selection committee shall consist of

The selection committee is as many as there are.

Members of the Selection Committee do not have the right to be nominated as chairman of the committee under section 8 (1) or

Qualified committee members according to section 8 (4)

Section 10

In selecting the chairman of the committee under section 8 (1) or qualified committee members.

According to section 8 (4), the selection committee shall select persons who have the qualifications according to section 8 (1) or

according to section 8 (4), as the case may be, including having the qualifications and not having prohibited characteristics according to section 11 and

Agree to submit names for selection equal to the total number of Number of committee chairpersons under section 8 (1) or committee members

Qualified persons according to section 8 (4) to be appointed

When selecting a person to be the chairman of the committee under section 8 (1) or an expert committee member According to section 8 (4), the number has been completed. The selection committee shall notify the names of the chairman of the committee according to section 8 (1) or qualified committee members according to section 8 (4), together with evidence showing qualifications and not having prohibited characteristics. Including the consent of such person to the Cabinet for appointment as chairman according to section 8 (1). or an expert committee member under section 8 (4)

The Prime Minister shall announce the names of the committee chairmen under section 8 (1) or qualified committee members. According to Section 8 (4) who are appointed by the Cabinet in the Royal Gazette.

Section 11. The Chairman of the Board and qualified members must have the qualifications and not have the characteristics Must be prohibited as follows:

(1) be of Thai nationality

(2) not be a bankrupt or have been a dishonest bankrupt

(3) not being an incompetent person or a quasi-incompetent person

(4) never been sentenced by a final judgment to be punished Imprisonment regardless of the sentence received Is it really a prison? unless it is a penalty

For the offense committed Done through negligence or a misdemeanor.

(5) never been fired, dismissed, or removed from government service government agency or state enterprise or from private agencies Because of malfeasance in duty or serious misconduct

(6) never been removed from office legal position

(7) not being a person holding a political position local council member or local administrators, committee members

or a person holding a position responsible for the administration of a political party political party advisor or officials
political party

Section 12. The Chairman and qualified members have a term of office of four years.

When the term in paragraph one is due. If a chairman or director has not yet been appointed

new experts The chairman or qualified committee member who has retired from office shall to hold office according to that term

Stay in position to continue operations until the new chairman or qualified committee member is appointed.

assume duties

Chairman of the Board of Directors and qualified directors who retired from office Those who have completed their term of office may be reappointed. but may not hold office for more than two terms.

Section 13 In addition to being released from to hold office according to the term under Section 12, the Chairman and

An expert committee member vacates his position when:

(1) death

(2) resign

(3) Cabinet dismisses because of failure to perform duties Has bad behavior or

slack off ability

(4) lacking qualifications or having prohibited characteristics under section 11

In the case where the chairman or qualified committee member vacates office position before term Give to those who receive

The person appointed to fill the vacant position will hold the position for the remaining term of the chairman or director.

The qualified person he represents Unless the remaining term is less than ninety days, the chairman or directors will not be appointed.

An expert can be

substituted. In the case where the chairman or qualified committee member vacates office position before term to the committee

It consists of all existing directors until a chairman or qualified director is appointed.

According to paragraph two and in the case where the Chairman of the Board of Directors vacates office position before term The Vice Chairman of the Board shall act.

Temporary Chairman

Section 14. Meeting of the committee. There must be at least half of the committee members present at the meeting.

Number of existing directors Therefore there will be a quorum.

The Chairman of the Board shall preside over the meeting. In the event that the Chairman of the Board does not come to the meeting or

Unable to perform duties Let the vice chairman do the work. acting as the chairman of the meeting In the case where the chairman

and the Vice Chairman does not attend the meeting or is unable to perform his duties. The committee members who come to the meeting will choose the committee members.

One person is the chairman of the meeting.

The final decision of the meeting shall be made by a majority vote. One director has one vote.

If the votes are equal The chairman of the meeting shall cast an additional vote as the deciding vote.

Meetings of the committee may be held This can be done by electronic means or other means as specified.

committee

Section 15. Any committee member who has an interest, whether directly or indirectly, in the matter considered by the meeting. Notify the committee of your interests in advance of the meeting. and prohibit that person from participating

Meeting to consider the matter

Section 16. The Committee has the duties and powers: (1) as follows:

to prepare a master plan for operations and promotion operations and protection of personal information that is consistent with the policy national strategy and related national plans To present to the committee Digital for the National Economy and Society according to the law on digital development for the economy and society.

(2) Promote and support government agencies and the private sector to carry out activities according to the master plan. according to (1), including arranging for an evaluation of the performance to operate according to the said master plan

(3) Set measures or guidelines for operations. to take action regarding personal data protection in order to in accordance with this Act

(4) issue announcements or regulations to facilitate operations to proceed in accordance with this Act

(5) Announcement specifying criteria for protecting personal information sent or transferred to abroad

(6) Announcement of personal data protection practices as a guideline for data controllers. personal data and personal data processors comply with

(7) Recommend to the Cabinet to enact or improve laws or rules currently in effect.

Parts related to personal data protection

(8) make recommendations to the Cabinet in enacting royal decrees or reviewing the suitability of This Act shall be enacted at least every five years.

(9) Provide recommendations and advice regarding any actions to protect data. personal information of government agencies and the private sector in complying with this Act

(10) Interpret and decide on problems arising from the enforcement of this Act.

(11) Promote and support learning skills and understanding regarding data protection. personal to the public

(12) Promote and support research. To develop technology related to data protection
(13) Perform

any other acts as prescribed by this Act or other laws. determined to be duties and powers of the committee

Section 17 The chairman of the board Vice Chairman and directors receive meeting allowances and other benefits according to the criteria set by the Cabinet.

Chairman of the Subcommittee, Subcommittee, Chairman of the Expert Committee and expert committee appointed by the committee To receive meeting allowances and other benefits according to the criteria set by the board. Determined with the approval of the Ministry of Finance.

Section 18 The committee has the authority has the power to appoint a sub-committee to consider or take action Any one as assigned by the committee.

At a subcommittee meeting, the provisions of section 14 and section 15 shall apply mutatis mutandis.

Category 2

Personal information protection

General

section

Section 19 The Personal Data Controller will: to collect, use or disclose information cannot be personalised, if the owner of the personal data has not given consent before or at that time Except for the provisions of this Act or other laws to allow this to be done. The request for consent must be made clearly, in writing or in writing. This is done through the electronic system, except In this condition, consent cannot be obtained by such means.

To request consent from the owner of personal data The personal data controller must notify The purpose of collecting, using, or disclosing personal information is also included. and asking for consent It must be clearly separated from other messages. Have a format or message that is easily accessible and understandable, including using language that is easy to read. and is not deceptive or misleading In order to mislead the owner of personal data regarding the said purpose, the Committee will require the personal data controller to request consent from the owner of personal data. according to the form and text prescribed by the committee.

To request consent from the owner of personal data The personal data controller must take into account the independence of the personal data owner in giving consent. In entering into a contract, including providing any service, there must be no conditions for giving consent. Collect, use, or disclose unnecessary personal information. necessary or relevant for for entering into the transaction entering into a contract which includes providing that service

The owner of personal data may withdraw consent at any time and consent must be easily withdrawn. The same applies to consent. Unless there are restrictions. The right to withdraw consent is limited by law or A contract that benefits the owner of personal data. Withdrawal of consent will not affect Collection, use, or disclosure of personal data that the owner of personal data has given consent to Preferably according to specified in

this category In the event that the withdrawal of consent affects the personal data owner in what ways? The contro Personal data must inform the data owner of the consequences of withdrawing consent.

Requesting consent from the owner of personal data that is not in accordance with the regulations The information specified in this section is not binding on the owner of personal data and does not enable the personal data controller to do so. Section 20. In

the case where the owner of the personal data is a minor who has not yet attained legal age by marriage. or does not have the same status as a person who has reached the age of majority according to Section 27 of the Civil and Commercial Code. Requesting consent from the owner of such personal data shall proceed as follows.

(1) In the case where the consent of the minor is not any matter to which the minor may give consent alone as provided in Section 22, Section 23 or Section 24 of the Civil and Commercial Code, consent must be obtained from User The person with parental authority who has the authority to act on behalf of the minor as well.

(2) in the case where the minor is not more than ten years of age Ask for consent from the user. A guardian with authority to act on behalf

of a minor. In the case where the owner of personal data is an incapacitated person Requesting consent from the owner Such personal information Ask for consent from the guardian who has authority to act on behalf of the incapacitated

person. In the case where the owner of personal data is a quasi-incompetent person Requesting consent from Owner of such personal information Ask for consent from the guardian who has authority to act on behalf of the quasi-independent person. ability

The contents of paragraph one, paragraph two, and paragraph three shall apply to the withdrawal of consent of the person. Owner of personal information Notifying the owner of personal data Exercise of the rights of the owner of personal data. Complaints of the owner of personal data. and anything else under this Act in the case where The owner of personal data is a minor. incompetent person or a person who is quasi-incompetent, mutatis mutandis

Section 21 The personal data controller must: to collect, use or disclose information personal data according to the purposes that the owner of personal data has notified before or at the time of collection

Collection, use, or disclosure of personal information that is different from the stated purpose. Under paragraph one, this cannot be done unless (1) the new

purpose has been notified to the owner of personal data and has been given consent first; already collected, used or disclosed

(2) Provisions of this Act or other laws allow this to be done. Part 2 Collection of personal information.

Section 22 Collection of personal information Collected as necessary under the legitimate objectives of the personal data controller. Section 23 in collecting personal data. The Personal Data

Controller must notify Let the owner of personal data know before or while collecting personal data the following details, unless the owner of personal data is already aware of the details: (1) the purpose of the collection is for use Personal information may be used or disclosed, including: The purpose of Section 24 gives the power

to collect without the consent of the owner. Personal information (2) Notification of cases in which the owner of personal information must provide personal information in order to perform according to law or contract or is necessary It is necessary to provide personal

information in order to enter into a contract, including notification of Possible consequences of not providing personal information. (3) Personal information that will be collected and the period for which it will be collected. In the event that it is not possible to specify If such period cannot be clearly determined,

specify the period of time that may be expected according to the standards. of collection

(4) Categories of persons or agencies to whom collected personal data may be disclosed. (5) Information about data controllers. Contact location and how to contact in the case that has a representative or personal data protection officer Give information Contact location and contact methods representative or personal data protection officer as well

(6) Rights of the owner of personal data according to Section 19, paragraph five, Section 30, paragraph one, Section 31, paragraph one, Section 32, paragraph one, Section 33, paragraph one, Section 34, paragraph one.

Section 36 paragraph one and Section 73 paragraph one

Section 24: Personal data controllers are prohibited from collecting personal information without the consent of the owner of personal data, except

(1) to achieve the objectives related to organizing to make historical documents or archives for public benefit or concerning research studies or statistics for which appropriate protection measures have been put in place.

To protect the rights and freedoms of the owners of personal data, as specified by the committee.

(2) To prevent or stop danger to the life, body, or health of a person.

(3) It is necessary for the performance of a contract to which the owner of personal data is a party or for use in carrying out the request of the owner of personal data before entering into the contract.

(4) It is necessary for the performance of duties. Carrying out missions in the public interest of the controller Personal information or performing duties in the use of State authority granted to the personal data controller

(5) It is necessary for the legitimate interests of the personal data controller. or of persons or legal entities other than the data controller. unless such benefits are important

Less than the basic rights of the owner of personal data

(6) It is in compliance with the law of the personal data controller.

Section 25 prohibits the Personal Data Controller from collecting personal information from Sources other than those directly from the owner of personal data, except

(1) Notification of the collection of personal data from other sources to the owner of personal data. without delay, but not later than thirty days from the date of collection and obtaining consent from the data owner

Personal

data (2) is the collection of personal data that is exempt from requesting consent under section 24. or Section 26

The provisions regarding notification of new objectives under Section 21 and notification of details shall apply. Section 23 shall apply to the collection of personal data that requires consent under paragraph one.

Mutatis mutandis, except in the following cases:

(1) The owner of personal data already knows the new purpose or details.

(2) The Personal Data Controller can prove that notification of the new purpose or such details

It is not possible or will hinder the use or disclosure of personal information. especially so

Achieve objectives regarding scientific research studies. History or statistics, in this case the controller

Personal data must be provided with appropriate measures to protect the rights, freedoms, and interests of the owner.

Personal information

(3) The use or disclosure of personal information must be carried out urgently as required by law

which has provided appropriate measures to protect the interests of the owners of personal data

(4) When the Personal Data Controller is the person who knows or obtains the Personal Data from his or her duties.

or from an occupation or profession and must maintain a new purpose or certain details

According to Section 23, keep it secret as required by law.

Notification of details according to paragraph two The personal data controller must notify the data owner.

personal information within thirty days from the date of collection under this section Except in the case where Personal information

to be used for contacting the owner of personal data must be notified in the first contact. and cases in which information will be used

personal to reveal Must be notified before disclosing personal information for the first time

Section 26 prohibits the collection of personal information regarding race, ethnicity, opinions.

political beliefs Religion or philosophy sexual behavior Criminal history, health information, disability, union information genetic

information, biological information, or any other information

which affects the owner of personal data in the same manner as specified by the committee without receiving

Explicit consent from the owner of personal data, except

(1) to prevent or stop danger to the life, body, or health of the person who is the owner of the information

Individuals cannot give consent. (2) It is a lawful activity with appropriate

protection of a foundation, association, or non-profit organization. For profit purposes related to politics, religion,

philosophy or labor unions.

given to members who were former members or those with whom you have regular contact Always work with foundations, associations, or organizations.

that is not seeking Make a profit for such purposes without disclosing that personal information outside of the foundation, association,

or non-profit organization.

(3) It is information that is disclosed to the public with the express consent of the owner of the personal data.

(4) It is necessary for the establishment of legal claims. Compliance or exercise of rights

Legal claim or raising legal claims to fight

(5) It is necessary to comply with the law in order to achieve the objectives regarding

(a) Preventive medicine or occupational medicine Assessment of the work ability of

Employee medical diagnosis Providing health or social services medical treatment health management or the system and provision of social welfare services, in cases where it is not practice

According to the law, personal information is the responsibility of the professional or professional person or person with duties.

Keep that personal information confidential according to law. It must be in accordance with the contract between the owners.

Personal information with medical professionals

(b) public health benefits such as health protection from communicable diseases;

Dangers or epidemics that may be transmitted or spread into the Kingdom or control of standards or quality

of drugs, medical supplies, or medical devices which has provided appropriate and specific measures to protect rights

and freedom of the owner of personal data, especially maintaining the confidentiality of personal data according to duty or

According to professional ethics

(c) Labor protection Social Security National health insurance welfare about

Medical treatment of persons with legal rights Protection for car accident victims or social protection The collection of personal information is necessary. necessary to comply with the rights or duties of the data controller

Personal data or owners of personal data By providing appropriate measures to protect basic rights.

and benefits of the owner of personal data

(d) Scientific research studies history or statistics or other public benefits, but must be done to achieve such

objectives only to the extent necessary only necessary and has provided measures

appropriate to protect the basic rights and interests of personal data owners According to the committee

Announcement

(e) Important public benefits by providing appropriate measures to protect them.

Basic rights and benefits of personal data owners

Biological data according to paragraph one shall mean personal data obtained through the use of techniques or technology. related to importation Using the physical or behavioral characteristics of a person to to be able to confirm identity of that person that is different from other people, such as simulated facial image data, iris simulated data, or fingerprint simulated data. In the case of collecting personal information regarding

criminal history, it must be done under the control of the authority with authority. authority according to law or has provided measures to protect personal information According to the criteria announced by the committee.

Part 3

Use or disclosure of personal information

Section 27 The Personal Data Controller is prohibited from using or disclosing personal data without the consent of the owner of the personal data. unless it is personal information that can be collected with an exemption There is no need to request consent under Section 24 or Section 26.

A person or juristic person who receives personal information from the disclosure under paragraph one. Must not be used? Disclose personal data for purposes other than the purposes notified to the data controller. personal information in requesting personal information In the case where the personal data controller

uses or discloses personal data that is exempt from requesting Consent according to paragraph one The personal data controller must record such use or disclosure in a list.

According to Section 39

Section 28 In the case where the Personal Data Controller sends or transfers personal data abroad. The destination country or international organization receiving personal data must have data protection standards. Sufficient personal information, which must be in accordance with the criteria for personal information protection as specified by The committee announces the determination according to section 16 (5), except:

(1) It is in compliance with the law. (2) The

consent of the owner of personal data has been obtained by notifying the owner of personal data. Inadequate personal data protection standards of the destination country or international organization. that has received personal information

(3) It is necessary for the performance of a contract to which the owner of personal data is a party or For use in carrying out the request of the owner of personal data before entering into the contract.

(4) It is an action performed according to a contract between the personal data controller and another person or juristic person. for the benefit of the

owner of personal data; (5) to prevent or stop danger to the life, body, or health of the owner of personal data; or another person When the owner of personal data is unable to give consent at that time (6)

It is necessary for the operation and carry out missions in the important public

interest in the event that there are problems with the adequate personal data protection standards of the destination country. or international organizations that receive personal data It shall be submitted to the committee for decision. The decision of the committee may be requested to be reviewed when there is new evidence. to believe that the destination country or international organization receiving personal data has developed to have adequate personal

data protection standards. Section 29 In the case where the personal data controller or personal data processor is located In the Kingdom to establish a policy to protect personal information for sending or transferring personal information To the personal data controller or personal data processor who is abroad and is affiliated with the business. or the same business group for joint operations or business If the policy for data protection Such personal information has been inspected and certified by the office. Sending or transferring personal information to Foreign countries that comply with the personal data protection policy that has been verified and certified as such. To be able to act This can be done without having to comply with Section

28 Personal Data Protection Policy. Characteristics of the group or the same business group For conducting business or joint business and the criteria and methods for inspection and certification under paragraph one. To be in accordance with the announcement

of the committee in the case that there is no decision yet. has received the decision of the committee under section 28 or does not yet have a policy to protect personal data according to paragraph one The Personal Data Controller or Personal Data Processor may send or transfer personal data abroad without having to comply with Section 28 when the controller Personal data or personal data processors have put in place appropriate protection measures that can be enforced. according to the rights of the owner of personal data Including effective legal remedies. According to the criteria and methods announced by the committee.

Section 3

Rights of the owner of personal data

Section 30 The owner of personal data has the right to request access and receive information. Copy of personal information that relates to oneself which is the responsibility of the Personal Data Controller or request disclosure of the acquisition which personal information that he or she has not given consent to

Personal data controllers must comply with the regulations The request under paragraph one may be rejected only in the case that are denied by law or court order and to access and obtain information to make a copy of that personal information It will have an impact that may cause damage to the rights and freedoms of other people. In the event that the Personal Data

Controller rejects the request Request under paragraph one to the Personal Data Controller Record of rejection The request along with reasons must be included in the list under Section 39 when the owner of personal data has a

request. In the case where the request is made according to paragraph one and the request cannot be rejected according to paragraph two, the Personal Data Controller shall proceed with the request without delay. But it must not exceed thirty days. From the date of receipt of the request, the

committee may determine to establish criteria regarding access and requesting information A copy according to paragraph one, including An extension of the period according to paragraph four or other criteria as appropriate is possible.

Section 31 The owner of personal data has the right to request personal data concerning him or her from the controller. personal information In the case where the Personal Data Controller has to put that personal information in the form that can be read or used generally with tools or equipment that can work automatically and can be used or disclose personal information by automatic means Including having the following rights: (1) requesting the personal data controller to send or transfer personal data in such

form to the controller Other personal information when possible This can be done by automatic means. (2) Request personal data that the personal data controller sends or transfers personal data in the

form

Such information will be sent directly to other personal data controllers. Unless due to technical conditions this cannot be done.

The personal data under paragraph one must be personal data to which the owner of the personal data has given consent. In collecting, using, or disclosing personal information in accordance with the principles of this Act. or is it information Personal data that is exempt from requesting consent under Section 24 (3) or is other personal data specified in Section 24 as determined by the Committee.

The exercise of the rights of the owner of personal data under paragraph one shall apply to the sending or transfer of personal data of the Personal Data Controller which is performing duties in the public interest or performing duties. Can't legally or the exercise of such rights must not violate the rights or freedoms of other persons. In the case where the controller Personal information refused request for the said reason The Personal Data Controller shall record the rejection of the request together with the reasons in the list under Section 39. Section 32

The Personal Data Owner has the right to object to the collection, use or disclosure of information. Personal data concerning oneself at any time as follows: (1) In the case

of personal data collected without the need to request consent according to section 24 (4) or (5), except for the personal data controller. A person can prove that (a) the collection, use, or disclosure of that

personal information Personal data controller has demonstrated a more important legitimate ground. (b) The collection, use, or disclosure of personal data is in order to establish

legal claims, comply with or exercise legal claims. or raising a claim to fight

according to law

(2) In the case of collecting, using, or disclosing personal information for the purpose of: direct marketing

(3) In the case of collecting, using, or disclosing personal information for the purpose of: scientific research study history or statistics, unless it is necessary for carrying out the mission in the public interest of the personal data controller

In the case where the owner of personal data exercises the right to object under paragraph one. Personal data controller The personal data cannot be collected, used, or disclosed further. The personal data controller Must be clearly separated from other data immediately upon notification by the owner of personal data. Report objections to the Personal Data Controller.

In the case where the Personal Data Controller refuses

the selection for reasons according to (1) (a) or (b) or (3), the Personal Data Controller shall record the refusal of the objection together with the reasons in the list.

According to Section 39

Section 33 The owner of personal data has the right to request the Personal Data Controller to delete or destroy or make the personal data non-identifiable to the person who owns the personal data in the following cases: Go here.

(1) When personal information is no longer necessary It is necessary to keep it for the purpose of collecting, using, or disclosing personal data. (2) When the owner of

personal data withdraws consent to collect, use, or disclose data. Personal data and personal data controllers do not have authority to having legal authority to collect, use, or disclose information (3) When the owner of personal data objects to the collection, use, or disclosure of personal data

under Section 32 (1) and the Personal Data Controller cannot refuse the request under Section 32 (1) (a)) or (b) or is an objection according to section 32 (2) (4) when personal data has been collected, used or disclosed unlawfully as specified in this section.

The contents of the first paragraph are not allowed. This applies to retention

for the purpose of exercising freedom. in expressing opinions Retention for the purposes under section 24 (1) or (4) or section 26 (5) (a) or (b), use for the

establishment of legal claims. Compliance or Exercising legal rights or raising legal claims to fight or for practice

according to law

In the case where the Personal Data Controller has making personal information publicly available and the personal data controller is requested to delete or destroy or make the personal data inaccessible. The person who is the owner of personal data can be identified according to paragraph one. The personal data controller must be Responsible person Take steps both technologically and cost-wise to comply with the request by informing the controller. Other personal data in order to receive an answer in processing the request in the case where the personal data controller does not proceed. proceed according to paragraph one or

paragraph three Owner of personal information

Have the right to complain to the expert committee to order the Personal Data Controller to take action.

The committee may announce has set criteria for deleting or destroying or making personal information

It is information that cannot identify the person who is the owner of the personal information under paragraph one.

Section 34 The owner of personal data has the right to request the Personal Data Controller to suspend use. personal information In the following cases:

(1) When the Personal Data Controller is undergoing inspection as requested by the Personal Data Owner to be carried out in accordance with Section 36.

(2) when it is personal data that must be deleted or destroyed according to section 33 (4), but the owner of the data
Individuals request that use be suspended instead.

(3) When personal information is no longer necessary It is necessary to keep it for the purpose of collection.
Personal information But the owner of personal data has the necessity It is necessary to request that it be kept for use in the establishment.
Legal claims Complying with or exercising legal claims or fighting
Legal claims

(4) When the Personal Data Controller is undergoing verification under Section 32 (1) or inspection.
According to Section 32 (3) to reject the objection of the owner of personal data according to Section 32, paragraph three.
In the case where the personal data controller does not proceed according to paragraph one Owners of personal data have rights
Complain to the expert committee to order the Personal Data Controller to take action.

The committee may announce may prescribe criteria for suspending use under paragraph one.

Section 35 The personal data controller must: to ensure that personal information is correct
It is current, complete and does not cause misunderstandings.

Section 36 In the case where the owner of personal data requests the personal data controller to take action
According to Section 35, if the Personal Data Controller does not proceed with the request, the Personal Data Controller
The request of the owner of personal data must be recorded together with reasons in the list under Section 39.

The contents of Section 34, paragraph two, shall apply mutatis mutandis.

Section 37 The Personal Data Controller has the following duties:

(1) Provide appropriate security measures. To prevent loss, access, use, change, modification, or disclosure of
personal information without authorization. authority or abuse and must be reviewed
Such measures when necessary It is necessary or when technology changes in order to be effective in treatment.

Appropriate security and safety in accordance with minimum standards according to the announcement of the committee

(2) In the case where personal data must be provided to a person or juristic person other than the personal data
controller, steps must be taken to prevent that person from using or disclosing personal data without authorization. Powerful or illegal

(3) Establish an inspection system to to proceed with deletion or Destroying personal information after expiration
Storage period or that are not relevant or beyond necessity necessary for the purpose of collection
That personal information or as requested by the owner of personal data or the owner of personal information
Withdrew consent unless kept for the purpose of exercising freedom of expression

Retention for the purposes under section 24 (1) or (4) or section 26 (5) (a) or (b), use for the establishment of legal claims. Complying with or exercising legal claims or raising legal claims to fight or for compliance with the law.

Section 33, paragraph five, shall apply to the deletion or destruction of to destroy personal information mutatis mutandis

(4) Report the incident of personal data violation to the department. office without delay within seventy-two hours

From knowing the cause as far as possible, unless such violation has no risk of having an impact on

Individual rights and freedoms In cases where the violation has a high risk of affecting rights and freedoms

of the individual, inform the owner of the personal data of the violation along with remedies.

without delay. In this regard, such notification and exceptions shall be in accordance with the rules and procedures of the Committee.

Announcement

(5) In the case of being a personal data controller under section 5, paragraph two, a representative of

The personal data controller is a written document in which the representative must be in the Kingdom and the representative must be authorized.

To act on behalf of the Personal Data Controller without restriction. Limits any liability related to the collection, use, or disclosure of personal data according to the purposes of the personal data controller.

Section 38. The provisions regarding the appointment of representatives under section 37 (5) shall not apply to

Personal data controllers as follows:

(1) Personal data controller, which is a government agency as specified by the committee.

(2) Personal data controller whose profession or business is to collect, use, or disclose

Personal data that does not have the characteristics according to Section 26 and does not contain a significant amount of personal data as many as the committee

Announcement according to section 41 (2)

In the case where the personal data controller under section 5, paragraph two, has a personal data processor, the meaning of section 37 (5) and the first paragraph shall apply. shall apply to the processor of that personal data.

Mutatis mutandis

Section 39 The Personal Data Controller shall record the details. At least the following so that the owner

Personal information and The office can check. It will be recorded in writing or electronically.

okay

(1) Personal data collected. (2) Objectives of

collecting each type of personal data.

(3) Information about the personal data controller (4)

Personal data retention period (5) Rights and methods for

accessing personal data. Including conditions regarding persons who have rights to access information.

Personal information and conditions for accessing that personal information

(6) Use or disclosure according to section 27, paragraph three.

(7) Rejection of request or objection under Section 30, paragraph three, Section 31, paragraph three.

Section 32, paragraph three and Section 36, paragraph one

(8) Explanation of measures to maintain security under section 37 (1). The contents of paragraph one

shall apply. shall apply to representatives of the personal data controller under section 5, paragraph two, mutatis mutandis.

The contents of (1), (2), (3), (4), (5), (6), and (8) may be excluded from use. shall be applicable to the controller.

Personal data which is a small business according to the criteria announced by the committee, except

There is collection, use, or disclosure of personal information that risks affecting rights and freedoms.

of the owner of personal data or is not a business that collects, uses, or discloses personal information

Occasionally or there is collection, use or disclosure of personal information according to section 26.

Section 40. Personal data processors have the following duties:

(1) Proceed with the collection, use, or disclosure of personal information in accordance with the instructions order received

From the Personal Data Controller only, unless the order is contrary to the law or protection provisions.

Personal information according to this Act

(2) provide appropriate security measures; To prevent loss, access, use, change, modification, or disclosure of personal

information without authorization. Powerful or illegal, including

Notify the Personal Data Controller of the personal data breach that has occurred.

(3) Prepare and maintain records of personal data processing activities. According to the criteria and methods announced

by the committee.

Personal data processors who do not comply with (1) for collection, use, or disclosure

What personal information The personal data processor is considered to be the controller of personal data for

Collection, use, or disclosure of that personal information

Carrying out the duties of the personal data processor as assigned by the controller. Personal information according to paragraph one Personal data controllers must arrange agreements among themselves to control the performance of duties of personal data processors in accordance with this Act.

The contents of (3) may be exempted from use. This applies to personal data processors who are businesses. small size according to the criteria announced by the committee, unless there is collection, use, or disclosure of personal data that is at risk of affecting the rights and freedoms of the owner of personal data or is not a business that collects, uses, or discloses Personal information from time to time or personal data is collected, used, or disclosed in accordance with section 26, section 41, the personal data controller and

personal data processor must provide Personnel protecting their personal information In the following cases: (1) the personal data controller or personal data processor is a government agency as specified

The committee announced the determination.

(2) Activities of the personal data controller or personal data processor. In collecting, using, or disclosing, it is necessary to check personal information or systems regularly because there is a lot of personal information. (3) The main activities of the personal data controller or personal data processor are: Collection, use, or

disclosure of personal data according to section 26 in the case where the personal data controller or personal data processor is affiliated with the business. or the same business group for the

purpose of conducting business or joint business as specified by the Committee in accordance with section 29, paragraph two, the personal data controller or the said personal data processor. Personal data protection officers may be arranged together, depending on each workplace of the controller. Personal data or personal data processors who are in the same business group or group Must be able to easily contact the Personal Data Protection Officer. The content of the second paragraph shall apply. shall be applicable to personal data controllers or data processors.

a private entity which is a government agency under (1) which is large or has a location to do many things mutatis mutandis

In the case where the Personal Data Controller or Personal Data Processor under paragraph one must appoint Agents under section 37 (5) shall apply to the agent mutatis mutandis.

Personal data controllers and personal data processors are obliged to provide information regarding: Personal Data Protection Officer Contact location and methods for contacting the owner of personal data and the office. The owner of personal data can contact the Personal Data Protection Officer regarding Collection, use, or disclosure of personal information and the exercise of the rights of the owner of personal information

according to this Act The committee may announce can determine the qualifications of personal data protection officers by taking into account knowledge or expertise regarding

personal data protection The Personal Data Protection Officer may be an employee of the Personal Data Controller or a personal data processor or a contractor providing services according to a contract with the personal data

controller or Personal data processors. Section 42. Personal data

protection officers have the following duties: (1) provide advice to personal data controllers or personal data processors, including employees or contractors of personal data; Control personal data or personal data

processors regarding their practices. in accordance with this Act: (2) inspect the operations of the personal data controller or personal data processor; Including employees or contractors of the personal data controller or personal data processor regarding Collection, use, or disclosure of personal information in order to comply

(3) Coordinate and cooperate with the to the office in the event of a problem regarding the collection, use, or disclosure of personal data of the personal data controller or personal data processor Including employees or contractors of the Personal Data Controller or Personal Data Processor in performing their

duties. under this Act (4) Maintain the secrets of personal information that is known or obtained in the performance of

duties. according to this act The personal data controller or personal data processor must support the performance of duties. of personal data protection officers by providing adequate tools or equipment, including facilitating access to personal data in order to perform their duties

The personal data controller or personal data processor will provide a data protection officer.

Individuals leave their jobs or employment contracts because the Personal Data Protection Officer performs their duties.

cannot comply with this Act. In the case where there is a problem in performing the duties Data Protection Officer

Individuals must be able to report to the chief executive of the personal data controller or data processor.

personal directly

The Personal Data Protection Officer may perform other duties or tasks. But the data controller

The individual or the processor of personal data must certify with the inform the office that such duties or missions

Must not conflict with or contradict the performance of duties under this Act.

Section 4

Office of the Personal Data Protection Commission

Section 43: There shall be an Office of the Personal Data Protection Board with the objectives of

Personal information protection Including promoting and supporting the development of data protection.

country personal

The office is a government agency with the status of a juristic person. and is not a legal government agency

Concerning government administration regulations or state enterprises under the law on budgetary procedures or

Other laws

The office's business is not subject to labor protection laws.

Concerning labor relations Law on State Enterprise Labor Relations Social security law and the law on compensation But

employees and employees of the company The office must receive benefits.

Not less than that as specified in the labor protection law. Social security law and

Compensation law

The Office shall be a government agency in accordance with the law on tort liability of government officials.

Section 44: In addition to the duties and powers to carry out operations in accordance with the objectives

According to Section 43, paragraph one, the Office is responsible for performing academic and administrative work for the

Committee, the Office of the Personal Data Protection Board. expert committee and

Subcommittee

Including having the following duties and powers:

(1) Prepare a draft master plan for operations, and promotion operations and protection of personal information that is consistent with the policy national strategy and related national plans including the draft master plan and Measures to solve problems that impede the implementation of the policy national strategy and such national plans To present to the committee

(2) promote and support research To develop technology related to personal data protection. (3) Analyze and certify

consistency and accuracy according to standards or measures or governance mechanisms related to personal data protection. Including checking and certifying policies in Protection of personal information according to section 29 (4) survey, data collection Follow the

development of the protection situation. Personal information and changing trends in personal data protection including analysis and Research personal data protection issues affecting national development to present to the committee. (5) Coordinate with government agencies, state enterprises, local government agencies, public

organizations, or other government agencies regarding personal data protection. (6) Provide advice to government agencies and private agencies regarding

compliance. according to this Act (7) to be a center for providing academic services or providing services related to data protection

personal to government agencies private and public agencies, including dissemination and knowledge Understanding of personal data protection (8) Establishing courses and training for the performance of duties of personal data controllers and processors.

Personal information Personal data protection officers, employees, contractors or the general public

(9) Make agreements and cooperate with organizations or agencies both domestic and foreign in business. related to operations To carry out the duties and powers of the office when receiving approval from the committee.

(10) Monitor and evaluate compliance with this Act. (11) Perform

other duties as assigned by the Committee, the Office of the Protection Commission. Personal information expert committee or assigned subcommittee or as required by law

Section 45 In the operation of the office, in addition to the duties and powers power as provided

In Section 44, the Office shall have the following general duties and powers as well:

- (1) hold ownership have possession rights and have various property rights
- (2) establish rights or perform all types of juristic acts binding property, as well as perform any other juristic acts

For the benefit of operations and the operation of the office

- (3) Arrange and provide funds to support operations. and the operation of the office

- (4) Collect fees, maintenance fees, compensation or service fees for various operations according to the objectives of

the Office, in accordance with the criteria and rates established by the Office with approval.

of the Supervisory Board of the Office of the Personal Data Protection Board

- (5) Perform any other operations required by law. specified as the duties and powers of the Office or as specified by

Committee, Supervisory Committee, Office of the Personal Data Protection Board, Committee

Experts or assigned subcommittees

Section 46 Funds and assets for the operation of the Office consist of:

- (1) Initial capital allocated by the government under section 94, paragraph one.
- (2) General subsidies allocated by the government as appropriate on an annual basis.
- (3) Subsidies from government agencies both domestic and foreign. or international organization

Government

- level (4) Fees, maintenance fees, compensation, service fees, or income arising from operations.

According to the duties and authority of the office

- (5) Interests from money or income from the office's assets.

Money and property of Proceeds from the office under paragraph one must be sent to the treasury as state revenue.

Section 47 All important real estate Office assets are obtained by purchasing or exchanging income.

of the Office under section 46 (4) or (5) shall be the property of the Office.

Section 48: There shall be a committee to oversee the Office of the Personal Data Protection Board. Consists of a chairman who is selected and appointed from knowledgeable people. Expertise and experience

In the area of personal data protection Permanent Secretary of the Ministry of Digital Economy and Society and Secretary-General

The National Digital Economy and Society Committee is a committee member and has a number of qualified committee members.

Six people recruited and appointed from knowledgeable people Expertise and experience in data protection

At least three persons and other related aspects that are beneficial to the office's operations

The Secretary-General shall be a member and secretary. and the Secretary-General shall appoint employees of the Office.

There can be no more than two assistant secretaries.

To apply the contents of Section Section 11 and Section 13 shall apply to the chairman and directors.

Experts mutatis mutandis

Section 49 There shall be a selection committee consisting of persons appointed by the committee.

Eight people are responsible for selecting persons who should be appointed as chairman and directors.

Qualified persons according to Section 48

The Selection Committee shall select one member of the Selection Committee to be the Chairman of the Selection Committee and

Select another member of the selection committee to be the secretary of the selection committee and have the office perform its duties.

It is the administrative unit of the selection committee.

In the event that the position of the Selection Committee is vacant, proceed to have a Selection Committee member replace it.

in that position quickly While there is still no new selection committee The selection committee shall consist of

The selection committee is as many as there are.

The Selection Committee does not have the right to be nominated as Chairman of the Board or qualified committee members.

According to Section 48

Criteria and methods for selection shall be as determined by the committee, taking into account

Transparency and fairness in recruiting

Section 50. In selecting the chairman and qualified members according to section 48, the selection committee shall select persons who have the qualifications according to section 48, paragraph one, as well as having the qualifications and

Do not have prohibited characteristics according to Section 48, paragraph three, and agree to submit names for selection equal to the number

Chairman and qualified members according to section 48. When the number of persons to be appointed

to be chairman and qualified members according to section 48 has been selected, the selection committee shall notify the names of the chairman and qualified members.

according to Section 48 along with evidence showing qualifications and not having prohibited characteristics including consent

of such person to the committee for appointment as chairman and qualified director.

According to Section 48

The committee shall publish the names of the chairman and qualified committee members under section 48 who have been appointed in the Royal Gazette.

Section 51. The chairman and qualified members under section 48 have a term of office.

Term of office is four years.

Upon expiration of the term in paragraph one, the appointment of the chairman and directors shall proceed. new experts within sixty days While the chairman or directors have not yet been appointed new experts The chairman or qualified committee member who has retired from office shall Those who have held office for the term will remain in office to continue their work until the new chairman or qualified committee member is appointed. assume duties Chairman of the Board of Directors and qualified directors who retired

from office Those who have completed their term of office may be reappointed. but may not hold office for more than two terms.

Section 52. In the case where the chairman or qualified committee member under section 48 vacates office before the end of the term. The Supervisory Committee of the Office of the Personal Data Protection Board shall consist of: all existing directors until a replacement chairman or qualified director is appointed and in the event that the chairman of the board vacates the position position before term The Permanent Secretary of the Ministry of Digital Economy and Society shall act as the chairman of the committee temporarily. The appointment of the

chairman of the committee or an expert committee member shall be made in his place. vacant positions within Sixty days from the date the position becomes vacant and the person appointed to fill the position shall remain in the position. position equal to The remaining term of the person he replaces Except that the term of the chairman of the board or expert committee member has not yet expired. For ninety days, the chairman or qualified committee member may

not be appointed in his place. Section 53. Meeting of the Office of the Data Protection Board supervisory committee. Individuals must have at least half of the total number of directors present at the meeting. Number of existing directors Therefore

there will be a quorum. The Chairman of the Board shall preside over the meeting. If the Chairman of the Board does not come to the meeting

Able to perform duties The committee members present at the meeting shall select one committee member to be the chairman of the meeting.

The final decision of the meeting shall be made by a majority vote. One director has one vote.

If the votes are equal The chairman of the meeting shall cast an additional vote as the deciding vote. Directors

who have an interest in the matter under consideration will not be able to attend the

meeting. A meeting of the Office of the Personal Data Protection Board supervisory committee may be held.

By electronic means as determined by the committee.

Section 54 The Office of the Personal Data Protection Board's supervisory committee has duties.
and power as follows

(1) Set administrative policies. and approve the office's operational plan

(2) issue regulations regarding organization, finance, and personnel management General administration
internal audit Including various assistance and welfare of the office.

(3) Approve the operating plan, spending plan and annual budget of the
office

(4) Control the administration and operations of the Office and the Secretary-General to ensure compliance.

According to this Act and other related laws

(5) Appoint a committee to select the Secretary-General.

(6) Decide on appeals the Secretary-General's administrative orders regarding the administration of
office

(7) Evaluate the performance of the Office and the performance of the Secretary-General.

(8) Perform other duties as prescribed by this Act or other laws. determined to be duties and powers
of the Supervisory Board of the Office of the Personal Data Protection Board or as specified by the Board or
Cabinet assigned

Regulations under (2) if there is a limit on the Secretary-General's authority to act conducting legal transactions with outsiders
To be announced in the Royal Gazette.

Section 55. The Supervisory Board of the Office of the Personal Data Protection Board has the authority.
Appoint a subcommittee to perform duties or act Do any of the work as directed by the Supervisory Board.
The Office of the Personal Data Protection Commission can assign it.

The Office of the Personal Data Protection Board's supervisory committee may appoint persons.
who has expertise or experience that will be useful in performing the duties of the Supervisory Board
Office of the Personal Data Protection Commission Being an advisor to the Office of the Supervisory Board
Personal Data Protection Committee

Performing duties and The number of sub-committees under paragraph one or persons under paragraph two
To be in accordance with the regulations of the Office of the Personal Data Protection Board.

At a subcommittee meeting, the provisions of section 53 shall apply mutatis mutandis.

Section 56 The chairman and supervisory committee of the Office of the Data Protection Board

Personal Advisor to the Supervisory Committee of the Office of the Personal Data Protection Board Chairman

Sub-committees and sub-committees of the Office of the Personal Data Protection Board

Appointed, receive meeting allowances or compensation according to the criteria set by the Corporate Governance Committee. determined by approval of the Ministry of Finance

Section 57 The Office shall have a secretary-general whom the Committee oversees the Office of the Commission.

Personal information protection appointed Has duties to manage the affairs of the office.

Appointment of the Secretary-General according to paragraph one To be in accordance with the criteria and methods of recruitment as specified by

The Office of the Personal Data Protection Board's Supervisory Board determines

Section 58. A person to be appointed as Secretary-General must have the following qualifications:

(1) have Thai nationality

(2) be not less than thirty-five years of age but not more than sixty

years of age; (3) be a person with knowledge, ability, and experience in areas related to the missions of the Office.

and management

Section 59. Persons who have any of the following characteristics: Must be prohibited from being secretary-general

(1) is a bankrupt person or has been a dishonest bankrupt person;

(2) being an incompetent person or a quasi-incompetent person (3) having been

sentenced by a final judgment to be punished Imprisonment regardless of the sentence received Is it really a prison? unless it is a penalty

For the offense committed (4) being a government official, official, or employee of a

government agency or state enterprise or other agency

of the state or local government; (5) is or has been

a political official, person holding a political position local council member

or local administrators unless freed from has held the position for not less than one year

(6) is or has been a committee member or person holding another position in a political party or an official of political party, unless it has been removed from office has held the position for not less than one year

(7) Have ever been fired, dismissed, or removed from government service. or leave work from the previous agency

Perform duties Because of malfeasance in duty or serious misconduct or has ever been removed from a position

(8) Has ever been dismissed because he or she has not passed the performance evaluation according to section 62 (4).

(9) is a stakeholder in the business related to the Section 60 The Secretary-General has a term of office of four years. and may be reappointed.

but may not hold office for more than two terms.

Before the expiration of the term of office of the Secretary-General for a period of not less than thirty days but not more than sixty days, or within thirty days from the date the Secretary-General leaves office. holding the position before the end of the term The Oversight Committee of the Office of the Personal Data Protection Board shall appoint a selection committee to select a new secretary-general. The selection committee shall propose a list of not more than three suitable persons to the Oversight Committee of the Office of the Personal

Data Protection Board. Personal Data Protection Section 61 Each year there shall be an evaluation of the performance of the Secretary-General, in accordance with the period and method of the Office of the Personal Data Protection Board. set

Section 62 Termination of office according to Section 60. The Secretary-General vacates office when:

(1) death

(2) resign

(3) Lacking qualifications under section 58 or having prohibited characteristics under

section 5 9 (4) Removal from the Office of the Personal Data Protection Board by the Supervisory Board

because it did not pass the performance evaluation. have dishonorable behavior Failure or dishonesty in the performance of duties, or Reduce the ability as

duties and follows: Section 60 The Secretary-General shall have the

Help the office achieve results according to the mission of the office and according to national policies and plans. Strategic plan Policies of the Cabinet, the committee, and the committee overseeing the Office of the Personal Data Protection Board and the rules, regulations, or resolutions of the committee overseeing the Office of the Personal Data Protection Board. (2) Setting up regulations regarding

operations. Conduct the work of the office without contradicting or contradicting the law, Cabinet resolutions, and rules, regulations, requirements, policies, resolutions, or announcements set by the Office of the Personal Data Protection Board.

(3) Be the commander of the officials and employees of the Office and evaluate their performance.

Employees and employees of the company office according to the rules or regulations of the office

(4) Appoint the Deputy Secretary-General and Assistant Secretary-General with the approval of the Supervisory Board.

Office of the Personal Data Protection Board to assist the Secretary-General in performing duties as assigned by the Secretary-General
assign

(5) Appoint, promote, demote, cut salary or wages Disciplinary punishment for employees and employees

Recruitment of the office, as well as staff and employees of the office. persons leaving the office in accordance with regulations or
Regulations prescribed by the Office of the Personal Data Protection Board

(6) Perform any other duties in accordance with the rules, regulations, requirements, policies, resolutions, or announcements of

Supervisory Committee of the Office of the Personal Data Protection Board

The Secretary-General is responsible for the administration of the office. The office is directly under the supervision of the office supervisory committee.

Personal Data Protection Committee

Section 64 in the Office's business relating to outsiders The Secretary-General shall be the representative of

Office. For this purpose, the Secretary-General will may authorize any person to perform specific tasks on his or her behalf But it must happen.
According to the regulations set by the Office of the Personal Data Protection Board.

Section 65 The committee overseeing the Office of the Personal Data Protection Board

He is the person who determines the salary rate and other benefits of the Secretary-General in accordance with the criteria set by the Cabinet.

Section 66 For the benefit of the administration of the Office, the Secretary-General may request government officials, officials, or
employees of government agencies Government agencies, state enterprises, local government agencies, public organizations or other
government agencies Come work as an employee or employee on a temporary basis, with approval from that person's supervisor or employer.
And there are agreements that and

In the case where a government official receives permission to work as a temporary employee or worker, it is considered that

It is permission to leave government service or leave work to perform any work.

At the end of the period for which they have been approved to work in the office, the government officials under paragraph one

Have the right to be hired and appointed to a position and receive a salary in the government agency or original agency of not less than

The same position and salary according to the agreement made included in the approval

In the case where that government official returns to be hired and appointed in the same government agency or agency. According to the second paragraph The duration of that government official while working in the office shall be counted for the calculation of pensions or other benefits. in the same manner as if they were on official duty or Work full-time as the case may be. Section 67 Civil servants or government

officials who are in the process of working are reimbursed for scholarships. received from government agencies or government agencies who have moved to perform duties at office with approval From the supervisor of the agency It shall be considered as reimbursement of capital under the contract. and the period of working in the office shall be counted as the period for reimbursement of capital. In the case that any

government agency wishes to request that its employees office which is in the process of being operated Reimbursement of scholarships received from from the office to become a civil servant or government official in that government agency Must receive approval from the Secretary-General first. and it shall be considered that going to work in that government agency It is a compensation for the capital according to the contract. and the period of work in that government agency shall be counted as the

period In reimbursing funds, Section 68, the accounting of the Office shall be prepared according to international principles, according to forms and criteria. As determined by the Office of the Personal Data

Protection Board, Section 69 requires the Office to prepare financial statements and accounts. and send an auditor within one hundred and

twenty days From the end of the fiscal year, the Office of the Auditor General of Thailand or the certified public accountant at the Office of the Auditor General of Thailand shall Office of the Auditor General of Thailand Approve to be the auditor of the office and evaluate the spending of money and assets of the office every year. To report the results of the audit to the Office of the Securities and Exchange Commission's Supervisory Board. Protect personal information to ensure

Section 70 The Office shall prepare an annual performance report to submit to the Supervisory Board.

Office of the Personal Data Protection Board and the Minister within one hundred and eighty days from Fiscal year end and disseminate this report to the public

Annual operating report according to paragraph one Show details of the financial statements that the auditor Comments have been given. along with the works of Office performance and evaluation report of the office's operations in the previous year.

The evaluation of the Office's performance according to paragraph two must be carried out by a third party.
that the Office of the Personal Data Protection Board has approved

Section 5 Complaint

Section 71 The Committee may appoint one or more expert committees.
According to expertise in each matter or as the committee deems appropriate

Qualifications and prohibited characteristics, term of office, retirement from office, and other operations
The results of the expert committee shall be as specified by the committee.

Section 72 The expert committee has the duties and powers (1) to consider as follows
complaints under this Act (2) to examine any actions of the
Personal Data Controller. or data processor
Personal persons, including employees or contractors of the personal data controller or personal data processor. Concerning
personal data that causes damage to the owner of personal data
(3) Mediate disputes regarding personal information.
(4) Perform any other acts as provided by this Act. specified as duties and authority authority of the committee
Experts or as assigned by the committee

Section 73 The owner of personal data has the right to file a complaint in the case where the personal data controller
or personal data processor Including employees or contractors of the personal data controller or processor.
Personal information Violates or fails to comply with the Act or announcements issued under this Act.

Submitting, not accepting a case Termination of matter, consideration, and time period for considering complaints shall be in
accordance with the regulations announced by the Committee, taking into account the determination not to accept complaints or complaints.

End the matter in the event that someone has authority Section 74. In the case where the

complainant has not complied correctly with the regulations set forth in the matter, The matter is specified in Section
73, paragraph two, or it is a matter of complaint that the regulations have specified. specified not to be considered to a committee of experts
Do not accept complaints for consideration.

When the expert committee considers a complaint under section 72 (1) or investigates
Any action according to section 72 (2) and it is heard that Complaints or actions That statement is baseless. Let the expert
committee have a decision. Order to end the matter

In the case where the expert committee considers or examines according to paragraph two and hears that:

Complaints or actions Such is a case which can be mediated and the parties wish to mediated. Let the expert committee take action. mediation But if the complaint or action cannot be mediated or mediation is unsuccessful, the expert committee shall have the authority to issue orders as follows:

(1) Order the personal data controller or personal data processor to act or take action.

Correct their actions within the specified period.

(2) order prohibiting the personal data controller or personal data processor from actions that cause Damage to the owner of personal data or causing damage to the owner of personal data What action should be taken to stop the damage

within the specified period in the event that the Personal Data Controller or Personal Data Processor refuses to carry out the order under paragraph three (1) or (2)?) The provisions regarding administrative enforcement according to law shall apply. regarding administrative procedures shall apply mutatis mutandis in the case where the property of the personal data controller or personal data processor must be seized, frozen, or auctioned off in order to enforce According to the criteria as specified in the law on administrative procedures The expert committee shall have the authority to order the seizure, attachment or auction of property for that purpose. The making of orders

under paragraph one, paragraph two or paragraph three (1) or (2) shall be in accordance with the rules. and the method by which the committee announces the

orders of the expert committee The chairman of the expert committee shall sign on behalf of the expert committee. The orders of the expert committee under this section shall

be final in proceeding under this section. When is the result of consideration? to a committee of experts Inform the complainant along with the reasons. and in the case of not accepting complaints or ending matters that already have authority to consider the matter under other laws Notify the complainant. If the complainant wishes to have the matter forwarded to the person with authority to consider the matter in accordance with other laws, proceed according to such wish and it shall be deemed that the person with authority to consider has received the complaint from the date. The expert committee received the o

Section 75 The expert committee has the authority has the authority to order any person to submit documents or information about Matters that people have complained about or any other matter related to personal data protection under this Act, including ordering any person to come and explain the facts.

Section 76 in the performance of this Act Competent officers have the following duties and powers:

(1) send a letter to the Personal Data Controller Personal data processor or whoever gave it information or send any documents or evidence regarding operations action or action committing an offense under this Act

(2) examine and collect facts and then report to the expert committee in the case at the personal data controller Personal data processor or anyone who has committed a crime or caused Damage due to violation or failure to comply with the Act or announcements issued under this Act

In carrying out the operations under (2), if it is necessary to protect the interests of the data owner. personal or for public benefit Have the official submit a request. Apply to the court of competent jurisdiction for an order. Allow officials to enter the premises of the Personal Data Controller or anyone involved in the action. offenses under this Act Between sunrise and sunset or during business hours.

that place to investigate and gather facts Seize or attach documents and evidence or anything else that is related to the commission of an offense or that there is reasonable cause to believe that it is possessed or used to commit an offense

In appointing officials The Minister shall consider appointment from civil servants or other officials. of the state holding a position not lower than an operational civil servant or equivalent and having the qualifications as specified The committee announced the determination.

In performing the duties of a competent official under this section Must show ID card Introduce yourself to those involved and let those involved provide reasonable accommodations

Officer identification card To be in accordance with the form specified by the committee.

Section 6

civil liability

Section 77. The Personal Data Controller or Personal Data Processor who performs any action regarding personal data in violation of or does not comply with the provisions of this Act results in:

Damage to the owner of personal data Must pay compensation for that purpose to the data owner.

personal, regardless of whether the action is due to an action whether it was done intentionally or negligently or not, except

The personal data controller or personal data processor will be able to prove that

(1) The damage was caused by a force majeure event. or caused by an action (2) It is compliance with the instructions of the owner of the

personal data. following the orders of officials performing their duties and authority legal authority

Compensation according to paragraph one shall include all expenses of the data owner Individuals have spent according to their needs. necessary to prevent damage caused by that is about to occur or stop the damage that has already

occurred. Section 78 gives the court the power to order the personal data controller or data processor Individuals pay compensation for punishment, increasing from the amount and the actual amount of compensation that the court can determine as the court deems appropriate. But not more than two times the actual compensation, taking into account various circumstances such as the seriousness of the damage that the owner of personal data receives, the benefits that the personal data controller or personal data processor receives. Financial status of the controller Personal data or personal data processor The personal data controller or personal data processor has mitigated the damage that has occurred. or the owner of personal data is involved in causing
Damage too

The right to claim damages arising from personal data violations under this Act is invalid. The statute of limitations expires after three years from the date the injured party knows of the damage and becomes aware of the controller of personal data or Personal data processors who are liable or after ten years have elapsed from the date of the personal data breach.

Section 7

Penalties

The ÿ

criminal penalty part

Section 79. Any personal data controller who violates section 27 paragraph one or paragraph two or not complying with Section 28 regarding personal information under Section 26 in a manner likely to cause damage to others. Loss of reputation, being looked down on, being hated or being embarrassed is punishable by imprisonment not exceeding six months. or a fine not exceeding five hundred thousand baht, or both.

Any personal data controller who violates section 27 paragraph one or paragraph two or not comply according to Section 28 regarding personal information according to Section 26 in order to seek improper benefits. with the law for oneself or others must be punished Imprisonment not exceeding one year or a fine not exceeding one million baht, or both.

An offense under this section is a compoundable offense.

Section 80. Whoever knows the personal information of another person as a result of performing duties under this Act, if that person discloses it to others. must be punished Imprisonment not exceeding six months or a fine not exceeding five hundred thousand baht, or both.

Both adjusted

The provisions of paragraph one shall not apply to disclosure. In the following cases: (1)

Disclosure in accordance with duty

(2) Disclosure for the benefit of investigation or trial

(3) Disclosure to government agencies in the country or abroad that have authority. authority according to law

(4) Disclosure with written consent only from the owner of personal data.

(5) Public disclosure of personal information related to various lawsuits.

Section 81 In the case where the offender The person committing an offense under this Act is a juristic person if the act The fault of the juristic person is caused by an order or action. of the director or manager or any other person which is responsible for operating and the operations of that juristic person or in the case where such person has a duty to give orders or Act and refrain from ordering or not acting. Whoever acts to the point of causing that juristic person to commit an offense, that person must be punished. As provided for for that offense as well

Part 2

Administrative penalty

Section 82. Any Personal Data Controller who does not comply with Section 23, Section 30, fourth paragraph, Section 39, first paragraph, Section 41, first paragraph, or Section 42, second or third paragraph, or does not request Consent according to the form or message prescribed by the Committee in accordance with Section 19, paragraph three, or Failure to notify the consequences of withdrawing consent under Section 19, paragraph six, or fail to comply with Section 23, which has been applied mutatis mutandis under Section 25, paragraph two, is liable to an administrative fine not exceeding One million baht

Section 83. Any personal data controller who violates or fails to comply with Section 21, Section 22, Section 24, Section 25, first paragraph, Section 27, first or second paragraph, Section 28, Section 32, second paragraph, or Section 37, or requests consent by deception or fraud, causing the owner of personal data

Misunderstanding the purpose or does not comply with Section 21, which has been applied mutatis mutandis in accordance with Section 25, paragraph two, or sends or transfers personal data in a way that does not comply with Section 29, paragraph one or paragraph three. Must be punished with an administrative fine not exceeding three million baht.

Section 84. Any personal data controller who violates section 26 paragraph one or paragraph three or violates Section 27 paragraph one or paragraph two or Section 28 regarding personal information.

according to Section 26 or send or transfer personal data according to Section 26 without complying with Section 29 paragraph one or paragraph three. Must be punished with an administrative fine not exceeding five million baht.

Section 85. Any personal data processor who does not comply with Section 41, paragraph one, or Section 42, paragraph two or paragraph three Must be punished with an administrative fine not exceeding one million baht.

Section 86. Any personal data processor who fails to comply with Section 40 without reasonable cause, or send or transfer personal data in a way that does not comply with section 29 paragraph one or paragraph three, or not comply According to Section 37 (5), which has been applied mutatis mutandis under Section 38, paragraph two, must be punished with a fine. Administrative costs not exceeding three million baht

Section 87. Any personal data processor who sends or transfers personal data under Section 26 paragraph one or paragraph three. Not in accordance with Section 29, paragraph one or paragraph three. Must be punished with a fine Administrative costs not exceeding five million baht

Section 88. Representative of the personal data controller or representative of the personal data processor. Anyone who fails to comply with Section 39, paragraph one, which comes into force mutatis mutandis under Section 39, paragraph two, and Section 41, paragraph one, which comes into force mutatis mutandis according to Section 41, paragraph four, must be punished with a fine. Administrative costs not exceeding one million baht

Section 89. Anyone who does not comply with the orders following the orders of the expert committee or not coming to explain the facts according to Section 75, or does not comply with Section 76 (1), or does not provide convenience to the officials. According to Section 76, paragraph four, one must be punished with an administrative fine not exceeding five hundred thousand baht.

Section 90 The expert committee has the authority has the power to impose administrative fines as specified In this section, in the case where it is deemed appropriate, the expert committee may order corrections or warnings first.

In considering the issue Order to punish administrative fines Let the expert committee take into account
The seriousness of the offending behavior, the size of the business of the personal data controller or processor
Personal information or various circumstances, including following the criteria set by the committee.

In the case where the person punished with an administrative fine refuses to pay In the case of payment of administrative fines, the provisions regarding
Administrative enforcement according to the law on administrative procedures shall apply mutatis mutandis and
In the event that there is no official is able to enforce the order or is unable to enforce the order can carry out administrative enforcement Let the expert
committee have authority has the power to file a lawsuit with the Administrative Court to enforce payment of the fine. In this case, if the Administrative Court
found that the order to pay the fine was legal Let the Administrative Court have the power authority to consider and adjudicate and forced to have
Seizing or seizing assets sold at public auction to pay off Able to pay fine

Administrative fines and punishment orders In giving an order for administrative enforcement, the provisions of Section 74, paragraph six,
shall apply mutatis mutandis, and the provisions of Section 74, paragraph four, shall apply to enforcement.

Administrative matters according to paragraph three mutatis mutandis

Transitional provisions

Section 91 in the initial period The committee shall consist of members according to section 8 (2) (3) and the Secretary-General of the
Personal Data Protection Committee shall be a member and secretary. to perform duties
To the extent necessary for the time being, but not exceeding ninety days from the date this Act comes into force. and to the vice president
The director acts as the chairman of the board temporarily.

The Office shall arrange for the appointment of the chairman of the committee in accordance with **8 (1) and directors**
Section Qualified experts under section 8 (4) within ninety days from the date this Act comes into force.

Section 92 Proceed to establish a committee to oversee the Office of the Protection Committee.
Personal information within ninety days from the date of appointment of the Chairman of the Board and qualified directors
According to Section 91

The appointment of the Secretary-General of the Personal Data Protection Committee shall be made in accordance with this Act.
To be completed within ninety days from the date of establishment. The office has been completed according to section 93.

Section 93: Proceed with the establishment of to complete the office work in accordance with this Act
Within one year from the date this Act comes into force.

During the operation Proceeding with the establishment of The office has not yet been completed. It will be given to the Office of the Permanent Secretary, Ministry of Digital Technology.

for the economy and society to perform office duties in accordance with this Act and the Minister shall appoint a Deputy Permanent Secretary.

Digital for the economy and society shall perform the duties of Secretary-General until the Secretary-General is appointed in accordance with Section 92.

Second paragraph

Section 94 in the initial period The Cabinet shall allocate initial capital to the Office.

As needed

The Minister shall propose to the Cabinet for consideration of civil servants, officials, or

Other workers in government agencies to work as an employee of the Temporarily working within the office

Period specified by the Cabinet

It is considered that civil servants, employees, officials, or any other workers in government agencies who come to perform duties in the office temporarily according to paragraph two without losing their original status and will continue to receive salary or wages,

as the case may be, from their original affiliation. The committee may determine to determine special compensation for civil servants

Employees, officers, or any other workers in government agencies under paragraph two during work

In the office as well

Within one hundred and eighty days from the date of establishment of the Once the office has been completed, the office will proceed with the selection.

Civil servants, employees, officers, or any other workers in government agencies under paragraph two for employment.

Continue to be an employee of the office

Any government official, employee, officer, or other worker in a government agency who is selected

and packed according to paragraph four Have the right to count the working period that has been continuously worked under the same organization together with the period

Working in the office according to this Act

Section 95 Personal data that the Personal Data Controller has collected before the date

This Act comes into force. Allow the personal data controller to collect and use that personal information.

can continue according to the original purpose. However, the personal data controller must determine The procedure for revoking consent is specified.

and disseminate publicity to personal data owners who do not wish to be collected by the Personal Data Controller.

and use such personal information, can easily withdraw consent

Disclosure and Conduct Perform other actions than collecting and using personal information according to paragraph one.

To be in accordance with the provisions of this Act.

Section 96. Proceeding with the issuance of regulations. and announcements under this Act shall be carried out.

To be completed within one year from the date this Act comes into force. If unable to do The minister can take action.

Report reasons for not being able to proceed. can be submitted to the Cabinet for information

Respondent to the royal command

General Prayut Chan-o-cha

Prime Minister

Note :- The reason for promulgating this Act is because at present there is a violation.

The right to privacy of personal information is essential. The number is so large that it creates distress, nuisance or damage to the owner of personal data together with the advancement of technology making the collection, use or

Disclosing personal information that is offensive can be done easily, conveniently, and quickly, causing

Damage to the overall economy. It is appropriate to establish a law on personal data protection.

more generally in order to establish criteria, mechanisms, or supervisory measures regarding data protection.

As a general principle, it is necessary to enact this Act.

Announcement of the Personal Data Protection Committee

Subject: Criteria for consideration of issuing orders and administrative fines ordered by the expert committee

2022

As it is appropriate to establish criteria for considering and issuing orders Order to punish administrative fines
of the expert committee

By virtue of Section 16 (4) and Section 90, paragraph two of the Act.

Personal Data Protection Act 2019, Personal Data Protection Committee Therefore, the following announcement has been issued.

clause ȳ This announcement is called "Announcement of the Personal Data Protection Committee on criteria for
considering the issuance of and administrative fines ordered by the Expert Committee, B.E. 2022

Article 2 This announcement shall come into force from the day following the date of its publication in the Royal Gazette onwards.

Item 3 in this announcement

"Consideration of the Order to impose administrative fines " means actions related to

Consideration of imposing administrative fines on personal data controllers or personal data processors.

or any person who violates or fails to comply with the personal data protection laws or orders.

of the expert committee

"Person who has been punished with an administrative fine" means the personal data controller or processor.

Personal information or any person who acts Violating or not complying with data protection laws.

personal data or an order of the expert committee. "Fine" means

an administrative fine that the Personal Data Protection Committee

As defined in this announcement,

"seizure" means any action taken against the property of a person who has been punished with an administrative fine in order to

The property has come into the control or possession of the administrative fine enforcement officer.

"Seize" means ordering the person who has been punished with an administrative fine or other person to not proceed with the action.

Sell, distribute, transfer or perform any legal acts regarding property. or claims that have been seized Including ordering outsiders

to not hand over property or pay debts to those who have been punished with administrative fines. but to deliver the property or

pay Payment of debt to the administrative fine enforcement officer at the place where the enforcement officer

Administrative fines determined

"Auction" means the taking of property of a person who has been punished with an administrative fine.

Sold by openly bidding on prices.

"Administrative fine enforcement officer" means a person who is subject to the Data Protection Committee.

Individual or expert committee assigned to carry out the work Take action to enforce the order. Order to impose administrative fines or any other related orders

"Expert Committee" means the expert committee according to the law on

Personal information protection

"Competent official" means a person appointed by the Minister to act in accordance with the law on

Personal information protection

Clause 4 in considering issuing a decision In issuing administrative fines and seizures, confiscations, or auctions that are part of administrative enforcement measures other than those specified in this announcement, the law on administrative procedures shall apply mutatis mutandis. As long as it doesn't contradict or contradict with The content of this announcement,

Section 5, Notification of administrative enforcement measures and Orders to impose administrative fines, notifications, appointments, or other actions under this announcement must be made in writing or in form. reliable electronics

Article 6 In the event of an emergency or emergency urgently needed or in the case where the personal data controller or The personal data processor or other relevant person has expressed the need to If you have made a decision in advance that notification can be made by other means, notification of accusations, notification of appointments, notification of administrative fines, notification of results, consideration, or other actions according to this announcement. Will use notification methods via fax, letter, or electronic. or any other method as that person has notified of his/her intention, but there must be evidence of notification in writing. or in a reliable electronic format and must submit confirmation documents to the data controller the individual or the personal data processor or the person concerned as soon as practicable

It is considered to be the personal data controller or personal data processor or related person. Be notified according to the date and time shown in the fax evidence. electronic mail or other means immediately, unless it can be proven later that the personal data controller or data processor The personal data or other persons involved are not notified in accordance with the above method. Section 7: When the responsible expert

committee knows from the competent official that the personal data controller or personal data processor or other persons involved has violated or failed to comply. According to the law on personal data protection or the order of the expert committee under section 74, the expert committee shall issue an order to impose administrative fines or use administrative enforcement measures. As specified in this announcement.

Clause 8 In considering issuing a decision order to impose administrative fines or use administrative enforcement measures or take any other actions in accordance with this announcement to impose administrative fines on the data controller or Personal data processors or other related persons Let the expert committee c The following factors must be taken into account:
(1) details of

the action of the wrongdoing that occurred Especially in the case of an action committed an intentional or intentional offense
or gross negligence or lack of reasonable care

(2) the seriousness of the wrongdoing behavior;

(3) the size of the business of the personal data controller or personal data processor; (4)

the results of the administrative penalty measures that will be enforced to help alleviate the damage.

or hardship to the owner of the personal data or not, to what extent?

(5) What benefits will the owner of the personal data receive from the administrative penalty measure?

and the impact on the personal data controller or personal data processor or the person who commits the wrongdoing, and the wider impact on the business or other related businesses.

(6) The value of the damage and the seriousness of the action. (7) the level of

administrative fines and administrative enforcement measures that have been used against data controllers; personal data or other personal data processors for similar offenses (if any)

(8) History of being punished with administrative fines and using administrative enforcement measures of the controller. Personal data or personal data processor and in the case where the personal data controller or The processor of personal data is a legal entity. shall include a history of being punished with an administrative fine of the person involved in the action (9) Level of responsibility and

standards of the personal data controller or data processor. personal information at the time of the offense.

(10) Implementation according to the Code of

Ethics. business practices or standards of treatment Security of personal data of the personal data controller or personal data processor At the time the offense was committed (11) Remedies and relief from damages of the personal data controller or

processor

Personal information when knowing the cause of an offense

(12) Compensation to remedy damages to the owner of personal data. (13) Other relevant facts.

Clause 9 In considering issuing a decision Order to punish administrative fines Let the expert committee consider issuing orders according to the level of seriousness of the action. The nature of the offense and the appropriateness of the application of the punishment measures are as follows:

(1) The case is not serious.

Let the expert committee have a decision. ordering the personal data controller or data processor Individuals or related persons should make corrections or warnings initially, which may be done as follows:

(a) warn or order to act or act to take corrective action, stop, suspend, refrain from, or abstain from actions that violate or do not comply with the law correctly within the time period specified by the said order. There must be details, reasons, and objectives. (b) Order to prohibit actions that cause damage to the owner of personal data or to take any action to stop the damage. within the specified period of time (c) Order to limit the collection, use, or

disclosure of personal data that has been committed in order to stop the damage within the specified period of time. Order according to (a), (b), or (c) may specify conditions or methods for

improving personnel, processes, or technology. to be effective and appropriate as the expert committee deems appropriate
(2) Serious cases or orders to correct or warn are ineffective

Let the expert committee have a decision. Order to impose administrative fines on personal data controllers or personal data processor or related person According to the regulations and list of fines set by the committee. Personal data protection is determined by taking into account the severity and other circumstances in which fines are imposed. Administrative authority as it deems appropriate and may also issue orders under (1), (a), (b), or (c).

^{clause} 10 An order to impose an administrative fine by the expert committee in Section 9 shall be made in writing, specifying the date, month, and year of the issuance of the order to impose an administrative fine. and have the chairman of the expert committee Be the person signing on behalf of the

clause11 An order for the imposition of an administrative fine under Section 9 must contain details of the consideration and reasons for the order, which must at least include: (1) material facts; (2)

relevant legal matters; (3) considerations and supporting points in the

exercise of discretion; (4) details of

compliance with the order.

Article 12 When the fine is due to be paid according to the order. An administrative fine has been ordered. If the person is punished Administrative fine for not paying the fine correctly and completely according to the order following the orders of the expert committee The administrative fine enforcement officer shall issue a warning letter to the person punished with the administrative fine to pay the fine. within the time specified specified period but not less than seven days

When the time is up, bring the money to pay the fine according to the notification letter. If the person is punished with a fine The government does not payment of fines or payments Incomplete payment of fine Let officials enforce administrative fines.

Bring the provisions regarding administrative enforcement under the law on administrative procedures into force.

Mutatis mutandis, in the case where the assets of the data controller must be seized, frozen, or auctioned.

personal data or personal data processors in order to enforce the criteria set forth as specified in the law on

Administrative procedures The expert committee shall order the seizure, attachment or auction of the property.

For that purpose

In the event that there is no official is able to enforce the order or is unable to enforce the order to take enforcement action

The administration has allowed the expert committee to file a lawsuit with the Administrative Court to enforce payment. payment of administrative fines

13 The orders of the expert committee according to this announcement shall be final.

Clause Clause 14: Receiving money, delivering money, keeping money and disbursing money from sales.

Auction of property must be carried out in accordance with the regulations set by the Ministry of Finance.

Clause 15. Money received from the auction of property shall be deducted from the property. payment of fees confiscation costs

Seize and auction the property before paying the fine that the person punished with the administrative fine must pay. In the case that there is money left, the remaining money must be returned to the person entitled to receive the money according to law.

Article 16 in the implementation of this announcement to a committee of experts and officials

Use caution when using to exercise authority according to this announcement, taking into account relevant evidence, circumstantial evidence, and the

Code of Ethics professional standards Guidelines for each type of business or activity Laws that personal data controllers or personal data processors should carry out their duties, effects

Broadly, both to the owners of personal data and business or operations The actions of the personal data controller

or the person who processes personal data is important

Article 17 The Chairman of the Personal Data Protection Committee shall be in charge of this announcement.

Announced on 1 June 4, 2015 5

Thianchai Na Nakhon

Chairman of the Personal Data Protection Committee

Announcement of the Personal Data Protection Committee on measures to maintain the security of personal data controllers, B.E. 2022

As it is appropriate It stipulates that the Personal Data Controller is responsible for providing security measures. appropriate security To prevent loss, access, use, change, modification, or disclosure of personal information without authorization. Powerful or illegal By following the minimum standards. committee Protection of personal information is announced to provide protection of personal information in the first period when the law Effective and appropriate

By virtue of Section 16 (4) and Section 37 (1) of the Protection Act Personal Data 2019 Personal Data Protection Committee Therefore, the announcement is issued as follows. This announcement is called clause 1 “Announcement of the Personal Data Protection Committee on measures to maintain the security of personal data controllers, B.E. 2022.

Clause 2 This announcement shall come into force from the day following the date of its publication in the Royal

Gazette onwards. Clause 3 In this announcement, “Security and safety” means the maintenance of secrecy. (confidentiality), accuracy, completeness (integrity) and ready-to-use condition (availability) of personal information in order to prevent loss, access, use, change, correction, or disclosure of personal information without authority or wrongdoing.

Article 4 The Personal Data Controller has a duty to provide appropriate security measures to prevent loss, access, use, change, modification, or disclosure of personal data without authority or wrongdoing. By the said security measures At least there must be the following actions:

(1) Such security measures It must cover the collection, use, and disclosure of personal information. According to the law on personal data protection Regardless of personal information This will be in hard copy or electronic form. or any other format

(2) Measures to maintain such security. It must include organizational measures. appropriate organizational measures and technical measures, which may include necessary physical measures, taking into account the level of risk. According to the nature and purpose of collecting, using, and disclosing personal information. as well as the chance of birth and the impact of personal data breaches

(3) Such security measures must take into account operations related to maintaining security From identifying key risks Important information that may occur to information assets

(information assets) important, preventing important risks important matters that may occur inspection and monitoring Be careful of threats and incidents of personal data violations. Response when a threat is detected and Cause of personal data breach and treating and restoring damage caused by threats or events. Violate personal information as well, to the extent necessary, appropriate, and possible according to the level of risk.

(4) Such security measures must take into account the ability to maintain secrecy (confidentiality), accuracy, completeness (integrity) and availability. (availability) of personal data appropriately according to the level of risk, taking into account technological factors, context, environment, and accepted standards for for agencies or businesses of the same type or nature or similar Nature and purpose of collecting, using and disclosing personal information Resources required and the possibility of doing

so (5) for collecting, using, and disclosing personal information in electronic form Such security measures It must cover various components of the information system related to the collection, use, and disclosure of personal information, such as systems and equipment. Store personal information Host computers (servers), client computers (clients), and various devices that use the network system Software and applications appropriately according to the level of risk, taking into account the principle of defense in depth, which should include measures Multiple layers of security controls to reduce risks in the event of measures Some measures have limitations. that are limited in protecting security in

certain situations; (6) measures to maintain such security; With respect to accessing, using, changing, correcting, deleting or disclosing personal information. It must include at least the following actions, appropriate to the level of risk, taking into account the need for access and use. According to the nature and purpose of collecting, using and disclosing personal information, maintaining security according to the level of risk. Resources required and the possibility of taking action together

(a) Access control to personal data and important information system components (access control), including identity proofing and authentication, and authorization or regulation. Specify rights to access and use (authorization) that is appropriate, taking into account the principle of granting rights only as necessary (need-to-know basis) according to the principle of granting the least rights as necessary (principle of least privilege)

(b) appropriate user access management, which may include user registration and de-registration; user access management; (user access provisioning) Access rights management

according to rights (management of privileged access rights) management of confidential information for management of secret authentication information of users, review of user access rights, and removal or

Improve access rights (removal or adjustment of access rights)

(c) Determining user responsibilities to prevent

Accessing, using, changing, editing, deleting or disclosing personal information without authorization Powerful or illegal This includes cases where it is an action acting outside of assigned roles and responsibilities as well as stealth

Copying personal information without permission Powerful or illegal and theft of storage equipment.

or process personal data

(d) Providing a method to be able to trace back the access, change, correction, or deletion of personal data (audit trails) that is appropriate to the methods and media used for collecting, using, or disclosing personal data.

(7) Measures to maintain such security. It must include raising awareness.

The importance of personal data protection and security (privacy and security awareness) and notification of data protection policies, practices, and measures.

Personal data and maintaining the security of the personal data controller appropriately, allowing personnel, employees, or other persons who are users or involved in accessing, collecting, using, changing, editing, deleting, or disclosing personal data. Know and practice Including the case where there is

Improving and amending such policies, guidelines, and measures, taking into account their nature and objectives.

of collecting, using and disclosing personal information Risk level resources required and

The possibility of doing and proceed with assembly

Article 5 The Personal Data Controller must review the security measures according to Article 4 when necessary or when technology changes in order to be effective in maintaining security.

appropriate safety, taking into account the level of risk based on technological factors, context,

environment, and accepted standards for for agencies or businesses of the same or similar type or

nature Nature and purpose of collecting, using and disclosing personal information Resources required and the possibility of doing so and proceed with assembly

When there is a personal data breach It is considered that the personal data controller is necessary.

The security measures under paragraph one must be reviewed. Except that such violations are not risky.

that will affect the rights and freedoms of individuals

Clause 6: In establishing an agreement between the personal data controller and the data processor.

personal data, let the personal data controller consider the requires personal data processors to provide

Appropriate security measures To prevent loss, access, use, change, modification, or disclosure of personal information without authorization. Powerful or illegal including informing the data controller

The individual is aware of the incident of personal data violation that has occurred. by security measures

Such must meet the minimum standards according to item 4, taking into account the level of risk according to its nature and Purpose of collecting, using and disclosing personal information as well as the chance of occurrence and impacts from the breach of personal information

Article 7 In the case where the Personal Data Controller has duties under other laws to provide measures Maintain appropriate security To prevent loss, access, use, change, modification, or Reveal personal information without authorization Powerful or illegal Let the Personal Data Controller take action. according to that law But the said security measures of the personal data controller Must also meet the minimum standards specified in this announcement.

Article 8: The Chairman of the Personal Data Protection Committee shall be in charge of this announcement.

Announced on 10 June 2022

Thianchai Na Nakhon

Chairman of the Personal Data Protection Committee

**Announcement of the Personal Data Protection Committee
on measures to maintain the security of personal data controllers, B.E. 2022**

As it is appropriate It stipulates that the Personal Data Controller is responsible for providing security measures. appropriate security To prevent loss, access, use, change, modification, or disclosure of personal information without authorization. Powerful or illegal By following the minimum standards. committee Protection of personal information is announced to provide protection of personal information in the first period when the law Effective and appropriate

By virtue of Section 16 (4) and Section 37 (1) of the Protection Act Personal Data 2019 Personal Data Protection Committee Therefore, the announcement is issued as follows. This announcement is called clause 1 “Announcement of the Personal Data Protection Committee on measures to maintain the security of personal data controllers, B.E. 2022.

Clause 2 This announcement shall come into force from the day following the date of its publication in the Royal

Gazette onwards. Clause 3 In this announcement, “Security and safety” means the maintenance of secrecy. (confidentiality), accuracy, completeness (integrity) and ready-to-use condition (availability) of personal information in order to prevent loss, access, use, change, correction, or disclosure of personal information without authority or wrongdoing.

Article 4 The Personal Data Controller has a duty to provide appropriate security measures to prevent loss, access, use, change, modification, or disclosure of personal data without authority or wrongdoing. By the said security measures At least there must be the following actions:

(1) Such security measures It must cover the collection, use, and disclosure of personal information. According to the law on personal data protection Regardless of personal information This will be in hard copy or electronic form. or any other format

(2) Measures to maintain such security. It must include organizational measures. appropriate organizational measures and technical measures, which may include necessary physical measures, taking into account the level of risk. According to the nature and purpose of collecting, using, and disclosing personal information. as well as the chance of birth and the impact of personal data breaches

(3) Such security measures must take into account operations related to maintaining security From identifying key risks Important information that may occur to information assets

(information assets) important, preventing important risks important matters that may occur inspection and monitoring Be careful of threats and incidents of personal data violations. Response when a threat is detected and Cause of personal data breach and treating and restoring damage caused by threats or events. Violate personal information as well, to the extent necessary, appropriate, and possible according to the level of risk.

(4) Such security measures must take into account the ability to maintain secrecy (confidentiality), accuracy, completeness (integrity) and availability. (availability) of personal data appropriately according to the level of risk, taking into account technological factors, context, environment, and accepted standards for for agencies or businesses of the same type or nature or similar Nature and purpose of collecting, using and disclosing personal information Resources required and the possibility of doing

so (5) for collecting, using, and disclosing personal information in electronic form Such security measures It must cover various components of the information system related to the collection, use, and disclosure of personal information, such as systems and equipment. Store personal information Host computers (servers), client computers (clients), and various devices that use the network system Software and applications appropriately according to the level of risk, taking into account the principle of defense in depth, which should include measures Multiple layers of security controls to reduce risks in the event of measures Some measures have limitations. that are limited in protecting security in

certain situations; (6) measures to maintain such security; With respect to accessing, using, changing, correcting, deleting or disclosing personal information. It must include at least the following actions, appropriate to the level of risk, taking into account the need for access and use. According to the nature and purpose of collecting, using and disclosing personal information, maintaining security according to the level of risk. Resources required and the possibility of taking action together

(a) Access control to personal data and important information system components (access control), including identity proofing and authentication, and authorization or regulation. Specify rights to access and use (authorization) that is appropriate, taking into account the principle of granting rights only as necessary (need-to-know basis) according to the principle of granting the least rights as necessary (principle of least privilege)

(b) appropriate user access management, which may include user registration and de-registration; user access management; (user access provisioning) Access rights management

according to rights (management of privileged access rights) management of confidential information for management of secret authentication information of users, review of user access rights, and removal or

Improve access rights (removal or adjustment of access rights)

(c) Determining user responsibilities to prevent

Accessing, using, changing, editing, deleting or disclosing personal information without authorization Powerful or illegal This includes cases where it is an action acting outside of assigned roles and responsibilities as well as stealth

Copying personal information without permission Powerful or illegal and theft of storage equipment.

or process personal data

(d) Providing a method to be able to trace back the access, change, correction, or deletion of personal data (audit trails) that is appropriate to the methods and media used for collecting, using, or disclosing personal data.

(7) Measures to maintain such security. It must include raising awareness.

The importance of personal data protection and security (privacy and security awareness) and notification of data protection policies, practices, and measures.

Personal data and maintaining the security of the personal data controller appropriately, allowing personnel, employees, or other persons who are users or involved in accessing, collecting, using, changing, editing, deleting, or disclosing personal data. Know and practice Including the case where there is

Improving and amending such policies, guidelines, and measures, taking into account their nature and objectives.

of collecting, using and disclosing personal information Risk level resources required and

The possibility of doing and proceed with assembly

Article 5 The Personal Data Controller must review the security measures according to Article 4 when necessary or when technology changes in order to be effective in maintaining security.

appropriate safety, taking into account the level of risk based on technological factors, context,

environment, and accepted standards for for agencies or businesses of the same or similar type or

nature Nature and purpose of collecting, using and disclosing personal information Resources required and the possibility of doing so and proceed with assembly

When there is a personal data breach It is considered that the personal data controller is necessary.

The security measures under paragraph one must be reviewed. Except that such violations are not risky.

that will affect the rights and freedoms of individuals

Clause 6: In establishing an agreement between the personal data controller and the data processor. personal data, let the personal data controller consider the requires personal data processors to provide

Appropriate security measures To prevent loss, access, use, change, modification, or disclosure of personal information without authorization. Powerful or illegal including informing the data controller

The individual is aware of the incident of personal data violation that has occurred. by security measures

Such must meet the minimum standards according to item 4, taking into account the level of risk according to its nature and Purpose of collecting, using and disclosing personal information as well as the chance of occurrence and impacts from the breach of personal information

Article 7 In the case where the Personal Data Controller has duties under other laws to provide measures Maintain appropriate security To prevent loss, access, use, change, modification, or Reveal personal information without authorization Powerful or illegal Let the Personal Data Controller take action. according to that law But the said security measures of the personal data controller Must also meet the minimum standards specified in this announcement.

Article 8: The Chairman of the Personal Data Protection Committee shall be in charge of this announcement.

Announced on 10 June 2022

Thianchai Na Nakhon

Chairman of the Personal Data Protection Committee

Announcement of the Personal Data Protection Committee

Subject: Criteria and methods for preparing Make and maintain records of

transactions of personal data processing activities for Regulations for Personal Data Processors 2022

As it is appropriate to determine the criteria and methods for preparing Make and maintain records of transactions of personal data processing activities for personal data processors by virtue of Section 16 (4) and Section 40, paragraph one (3) of the Act. Personal Data Protection Act 2019, Personal Data Protection Committee Therefore, the announcement has been issued as follows:

̣ This announcement is called "Announcement of the Personal Data Protection Committee on criteria and methods for preparing to make and maintain records of personal data processing activities for personal data processors, B.E. 2022, Section 2. This announcement shall come into effect after the expiration of this notification. period of one hundred and eighty days from the date of announcement in

From the Royal Gazette onwards,

Section 3: Personal data processors must prepare and maintain records of activities Processing of personal data for each type of activity is recorded. with at least the following details: (1) Name and information about the personal data processor. and representatives of the data processor Personal data in the case where a representative is appointed. (2) Name and information about

the personal data controller that the personal data processor processes according to the order or on behalf of the personal data controller. and representative of the personal data controller In the event that a representative is appointed

(3) Name and information about the Personal Data Protection Officer. Including contact locations and methods. Contact in the case where the personal data processor has appointed a personal data protection officer.

(4) Type or nature of collection, use, or disclosure of personal information. that the personal data processor performs on the order or on behalf of the personal data controller, including the personal data and the purposes for collecting, using, or disclosing the personal data as received; Assigned by the Personal Data Controller (5) Types of persons or agencies receiving personal data In

the case of sending or Transferring personal data abroad. (6) Explanation of security measures according to section 40, paragraph one. (2) The personal data processor must prepare Make and maintain records of activities. The processing of personal data according to paragraph one shall be in writing, which will be in writing or

In electronic form, this is a record of such personal data processing activities. It must be easily accessible. and can show Office of the Personal Data Protection Commission, Personal Data Controller or the person who Contact the Office of the Personal Data Protection Commission or the Data Controller. Individuals can be assigned to check quickly upon request. Section 4: The Chairman

of the Personal Data Protection Committee shall be the person acting in accordance with this announcement.

Announced on June 10, 2013 5 Thienchai Na Nakhon,
Chairman of the
Personal Data Protection Committee

Announcement of the Personal Data Protection Committee
regarding exemption from recording records of personal data controllers who are small businesses, B.E. 2022

As it is appropriate to set criteria for exemption from recording transactions of personal data controllers which is a small business

By virtue of Section 16 (4) and Section 39, paragraph three, of the Act. Personal Data Protection Act 2019, Personal Data Protection Committee Therefore, the announcement has been issued as follows:

̄ This announcement is called "Announcement of the Personal Data Protection Committee regarding exemptions from recording records of personal data controllers who are small businesses, B.E. 2022"

Clause 2 This announcement shall come into force from the day following the date of its publication in the Royal Gazette onwards. Clause 3 Personal data controllers who are small businesses. Those who are exempt from taking action according to Section 39, paragraph one (1), (2), (3), (4), (5), (6), and (8) must have one of the following

characteristics: (1) Be a small enterprise or medium sized enterprise according to the law on enterprise promotion. small and medium sized

(2) is a community enterprise or community enterprise network according to the law on enterprise promotion.

community

(3) is a social enterprise or social enterprise group according to the law on the promotion of social enterprises;

(4) is a

cooperative, cooperative assembly, or farmer group according to the law on cooperatives; (5) is a

foundation, association, religious organization, or non-profit organization (6) is a

household business or other business of the same nature Personal data

controllers who are small businesses exempted under paragraph one must not be Service providers that must maintain computer traffic data according to the law on committing a computer-related offense, unless it is a service provider in the type of internet café service provider shall be exempted according to paragraph one Collection, use or

disclosure of personal data of the personal data controller which is a business small size exempted according to paragraph one This does not include cases where information is collected, used or disclosed. Personal information that is at risk of affecting the rights and freedoms of the owner of personal information or not

Businesses that collect, use, or disclose personal information from time to time or personal data is collected, used, or disclosed in accordance with Section 26.

Section 4: The Chairman of the Personal Data Protection Committee shall be in charge of this announcement.

Announced on June 10, 2013 5

Thianchai Na Nakhon

Chairman of the Personal Data Protection Committee

Form for requesting information dissemination through websites of central administrative agencies Office of the

Permanent Secretary, Ministry of Public Health

According to the announcement of the Office of the Permanent

Secretary, Ministry of Public Health, regarding guidelines for disseminating information to the public through

the agency's website, 2018, for central administrative agencies, the Office of the Permanent Secretary, Ministry of Public Health

Form for requesting information dissemination through websites of agencies under the Office of the Permanent Secretary, Ministry of Public Health

Name of agency: Anti-Corruption Operations Center Ministry of Public Health Date/Month/Year:

15 July 2022 Topic: Personal Data Protection Act

B.E. 2019 and Announcement of the Personal Data Protection Committee Related, collected by Mr. Samer Kalapakdee

Detailed information (In summary or attached documents)

Personal Data Protection Act B.E. 2019 and announcement of the Personal Data Protection Committee Related, collected by Mr. Samer Kalapakdee

External Link: None

note:

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**Person responsible for providing
information** Suchada

Warinwet (Miss Suchada Warinwet)

Warinwet) Position: Policy and Planning Analyst, Special Expert: Position: Policy and Planning Analyst, Special Expert (Head) Date: 15 July B.E.

15th July 2022

Approval

Certification Suchada

Warinwet (Miss Suchada

2022

**The person responsible for publishing the
information is**

Posawee Watcharabut (Mr.

Posawee Watcharabut), Human

Resource Officer, July 15, 2022.