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Following tireless attempts spanning over two decades, Thailand has finally approved the Thailand Personal Data Protection Act (“PDPA”), subject to royal endorsement and publication in the Government Gazette. Previously, the only right pertaining to personal privacy was located in the Thai Constitution, and while certain business sectors (such as telecommunications, healthcare and banking) had some protection, there was an absence of a singular consolidated data protection regime.

You may notice the broad similarity between the PDPA and the European Union’s GDPR; but don't get too excited. Although various concepts have been drawn from the GDPR, the PDPA has been written with consideration of Thai perspectives, and therefore careful examination of compliance requirements of both regimes will be necessary.

Once the PDPA is published in the Government Gazette, Thailand will allow a transition period for businesses to adapt their practices (as the PDPA will apply to most entities onshore and offshore).

So, what can we do to prepare for the PDPA now?

Any company collecting data from residents of Thailand should ensure they're in compliance before the PDPA comes into effect. Penalties for non-compliance will be severe, so an evaluation of business procedures will be necessary to determine if additional measures need to be adopted.

Ella Richards contributed on this post.

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