

Thailand's Cabinet Acknowledges the Need to Postpone Enforcement of the Personal Data Protection Act

Thailand's Personal Data Protection Act B.E. 2562 (2019) (the PDPA) is currently due to become fully effective on May 27, 2020. However, due to the current COVID-19 pandemic, business operators in Thailand have raised concerns about their ability to fully comply with the obligations, and pressed the government to consider the negative impact that hasty enforcement may have on businesses. On the other hand, postponing the PDPA could adversely impact data subjects' consumer protection rights and human rights, which the government has a duty to protect. Publicly available information for the past few weeks shows that the Ministry of Digital Economy and Society (MDES) has been looking into methods of relaxing the enforcement of the PDPA in a manner that addresses that difficult balance.

On May 12, following an MDES proposal, the Cabinet acknowledged the need to postpone the enforcement of the PDPA for another year, noting that any such postponement could be in part or in whole. The MDES will soon propose a draft royal decree to formalize the postponement for consideration and approval by the Cabinet. While not yet confirmed, this move illustrates the strongest intention yet to postpone the PDPA.

This MDES initiative, supported by a number of industry associations in Thailand, is intended to provide businesses with a more reasonable timeframe to prepare themselves for compliance with the law, and to mitigate exposure to legal risk. As this measure is still pending, businesses should still be working to effectively plan their next steps until the postponement is formalized in legislation, and for now the initial enforcement date of the PDPA continues to draw near.

Businesses should continue to monitor the development closely while continuing to progress their PDPA readiness plans. Should the postponement proceed, employers should be careful to treat it as additional time to prepare—not an opportunity to cease preparations altogether—as the PDPA will still eventually be implemented in Thailand.

We will keep you informed of any further developments on this matter—especially in relation to the official announcement of the extension—as they emerge. If you have any questions about the postponement, or any aspect of the PDPA, please do not hesitate to contact Athistha (Nop) Chitranukroh at nop.c@tilleke.com, or Gvavalin Mahakunkitchareon at gvavalin.m@tilleke.com.

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