

## Announcement of the Personal Data Protection Committee

Subject: Criteria for protecting personal data sent or transferred abroad  
according to Section 29 of the Personal Data Protection Act B.E. 2462  
1923

By virtue of Section 16 (4) and (4) in conjunction with Section 29 paragraphs two and three. of the Personal Data Protection Act B.E. 2462, Personal Data Protection Committee Therefore, the following announcement has been issued.

Article 1 This announcement is called “Announcement of the Personal Data Protection Committee on criteria for protection of personal data sent or transferred abroad in accordance with Section 29 of the Act. Protection of Personal Information, B.E. 2462, B.E. 2466”

Section 2. This announcement shall come into force after ninety days have elapsed from the date of its publication in the Royal Gazette.  
onwards

Item 3 in this announcement

“Group business or same business group” means an business over which the operator has control. or management over other businesses or businesses that are controlled by operators who have power over other businesses in the form of a large company, subsidiary company or joint company including related natural persons or juristic persons Legally separated or related due to operating a business or doing business together Using the criteria for consideration In accordance with relevant laws and generally accepted accounting standards.

“Sender or transferr of personal data” means the personal data controller or processor. Personal information sent or transferred to recipients of personal information located abroad.

“Recipient of personal data” means the data controller or data processor. Personal persons living abroad that receives personal information from the sender or transfer of personal information for the purpose of collecting, using, or disclosing personal information

“Cloud computing service provider ” means a service provider that maintains data or stores data for other parties in a temporary or permanent form, with a system that manages

data on the Internet. They may provide services in various forms, such as infrastructure as a service (IaaS), platform as a service (PaaS), software as a service (SaaS) . Providing data storage systems (Data Storage as a Service: DSaaS) and data management system providers in the form of Serverless Computing or function providers (Function as a Service: FaaS) , etc.

“Send or transfer personal data” means sending or transferring personal data by the sender or Transfer personal information Whether it is sending or transferring information by physical means or through the computer system or network system to the recipient of personal information But this does not include sending and receiving personal information. In a way that is just a medium (intermediary) in the transmission of data (data transit) between computer systems or network systems or the storage of data (data storage) in temporary or permanent form. that no third party has access to such personal information In addition to the personal data controller or The personal data processor who sends the personal data or its personnel, employees, or employees. The personal data controller or personal data processor, for example, in the case of sending data through a network system in a foreign country or sending data through the system of a cloud computing service provider that does not who is other than the personal data controller or personal data processor who is The person who sends that personal information or the personnel, employee, or employee who has access to the personal information. Because there are measures Technical or legal conditions support

“Policy for protecting personal information in the same corporate or business group (binding corporate rules)” means a policy or agreement for protecting personal information that the sender or The transfer of personal data and the recipient of personal data are mutually agreed upon and binding. to determine measures Protect personal information that is appropriate between business groups or the same business group.

“Committee” means the Personal Data Protection Committee. “Office” means the Office of the Personal Data Protection Committee. Section 4: The Chairman of the Personal Data Protection Committee is the person in charge of this announcement.

#### Category 1

นโยบายในการคุ้มครองข้อมูลส่วนบุคคลเพื่อการส่งหรือโอนข้อมูลส่วนบุคคล to the personal data controller or personal data processor located abroad and are in the same business group or group for joint business operations or business

Section 4 Personal data controller or personal data processor located in the Kingdom. Personal data may be sent or transferred to recipients of personal data who are overseas and affiliated with businesses. or the same business group according to Section 29,

paragraph one of the Personal Data Protection Act, B.E. 2462, if the sender or transfer of personal data and the recipient of such personal data have established policies. To protect personal information in the same business group or group (binding corporate rules) for conducting business or joint business that has been inspected and certified by the office.

Article 6 Personal data controller or personal data processor who will send or transfer data. personal data to the personal data controller or personal data processor located abroad and Being in the same business group or business group Can propose a policy to protect personal information in the affiliate the same business or business group (binding corporate rules) for conducting business or joint business according to Section 5 so that the Office can inspect and certify according to this announcement. by submitting the said policy By any of the following methods:

- (1) Submit directly to the office.
- (2) Submit via post to the office.
- (3) Submit via electronic channels or any other channels as specified by the Office.

Section 7: The Office shall examine and certify the policy for protecting personal information in its affiliates. or the same business group (binding corporate rules) for joint operations or business that has been submitted in accordance with Section 6 in accordance with the principles and standards of personal data protection specified in the law Concerning the protection of personal information and related secondary laws and announcements By checking Contents of the policy to protect personal information that it must comply with the following criteria:

(1) The legal effect and status of the said personal data protection policy. with juristic persons or natural persons in the same business or business group as well as data processors Related personal Who sends or transfers personal information and recipients of personal data who are affiliated with the business or the same business group of the personal data controller or personal data processor proposing the policy Let the office inspect and certify. However, such policy must be consistent with the law on protection. Personal information and must be binding on personnel, employees, or persons related to the sender or transfer personal data and recipients of personal data and sending or transferring personal information and receiving Personal data of the personal data controller and personal data processor in the business group or same business group as well

(2) Requirements ensuring the protection of personal information. Rights of the owner of personal data and complaints For personal data that is sent or transferred abroad

(3) There are measures to protect personal information and measures to maintain security. that complies with the law on personal data protection by security measures Must also meet the minimum standards required by law.

Category 2  
Appropriate Safeguards

Article 8 In the case where there is still no decision regarding adequate personal data protection standards of the destination country or international organization that receives personal data of the committee according to Section 28 of the Personal Data Protection Act B.E. 2462 or does not yet have a policy for protection Personal data according to Section 4, the Personal Data Controller or Personal Data Processor may send or Personal data can be transferred abroad without having to comply with Section 28 when appropriate safeguards have been put in place to enforce the owner's rights. personal information and has effective legal remedies

Appropriate protection measures according to paragraph one It may be in the following formats: (1) contractual terms that are in accordance with acceptable contractual terms for sending or transferring personal data; which is a contractual clause to protect personal information In relation to sending or transferring personal data across borders or sending or transferring personal data between countries. that the committee has designated as the sender or The transfer of personal data and the recipient of personal data are used to determine the duties and conditions of the contracting parties in order to have appropriate personal data protection measures.

(2) Certification regarding the collection, use, and disclosure of personal information. of the personal data controller or personal data processor In respect of sending or transferring Personal data across borders or sending or transferring personal data between countries that there are appropriate measures to protect personal data. in accordance with accepted standards

(3) Personal data protection measures provisions in binding instruments or agreements. legal and can be enforced between government agencies of Thailand and government agencies of other countries In the case of sending or transferring personal data between government agencies of Thailand and Government agencies of other countries

Article 9 Appropriate protection measures according to Article 8 must meet the following criteria: (1) Effectiveness and legal force of personal data protection measures and Legal remedies for juristic persons or natural persons who send or transfer personal data and recipients of personal information as well as relevant personal data processors Regardless of the sender or transferrer Personal data and the recipient of that personal data will be the personal data controller or processor. However, such appropriate protection measures must be consistent with the law. Personal information protection and must be binding on personnel,

employees, or related persons. with the sender or transfer of personal data and the recipient of personal data as well

(2) Requirements ensuring the protection of personal information. Rights of the owner of personal data and complaints For personal information sent or transferred abroad

(3) There are measures to protect personal information and measures to maintain security. that complies with the law on personal data protection by security measures Must also meet the minimum standards according to the law on personal data protection.

Article 10 Subject to Article 9, the contract regarding the sending or transfer of personal data according to Article 8, paragraph two (1) must have one of the following characteristics:

(1) Contract terms that the contracting parties make and are binding, containing content and terms related to Protection of personal information as follows:

(a) Collection, use and disclosure of personal information Including sending or transferring information personal information to the recipient of personal information Must comply with the law on personal data protection.

(b) The sender or transfer of personal data and the recipient of personal data must provide measures to protect security It must meet the minimum standards according to the law on personal data protection. (c) In the case where the recipient of personal data is a processor of personal data.

1) The recipient of personal data must collect or disclose personal data. At the instruction or on behalf of the sender or transfer of personal data. and according to the purpose for which the sender or transfer of information Personally specified only

2) The recipient of personal data must contact the sender or transfer of personal data at the first possible opportunity. If the owner of personal data requests the rights of the owner of personal data. According to the law on Personal information protection unless the sender or transfer of personal data has assigned the recipient of personal data Carry out requests to exercise such rights on behalf of the sender or transfer of personal data.

3) The recipient of personal data must return personal data according to the contract to the sender or Transfer personal information or delete or destroy personal information. or make personal information data that cannot identify the person who owns the personal information By appropriate means according to the criteria and conditions specified by the sender or transfer of personal data. and the recipient of personal information must confirm that Written to the sender or transfer of personal data when such action has been taken.

4) Recipients of personal data must report incidents of personal data violations according to law. Concerning personal data protection for those who send or transfer



personal data without verification within seventy-two hours. Since knowing the cause, as far as what can be done

(d) In the case where the recipient of personal data is the controller of personal data Recipient of personal information Must report incidents of personal data violations according to personal data protection laws to the sender or Transfer personal data in cases where the sender or transfer of personal data is the controller of personal data, which must be notified without interrogation within seventy-two hours from knowing the reason, as far as possible. Except for the violation. There is no risk of affecting individual rights and freedoms.

(e) There must be legal remedies for the owner of personal data or the owner's rights. Personal information that is subject to effective legal remedies

(2) Contract terms that the contracting parties made in accordance with foreign law. or prepared by the organization international and has content and requirements related to the protection of personal data using one of the model contracts as follows:

(a) ASEAN Model Contractual Clauses for Cross Border Data Flows;

(b) Standard Contractual Clauses for the Transfer of Personal Data to Third Countries issued in accordance with Article 46 (1) in conjunction with Article 46 (2) (c) and Article 28 (7) of Regulation (EU) 2016/679 of the European Union or the General Data Protection Regulation (GDPR).

(c) Standard contractual terms for sending or transferring personal data abroad of agencies or other international organizations as specified by the Commission.

Article 11 Contract terms according to Article 10 (2) must contain content regarding personal data protection. In the following matters

(1) Measures for notifying the sending or transfer of personal data to the owner of personal data. (2) Measures to limit the sending or transfer of personal data to the extent necessary and relevant. Collection, use and disclosure of personal information only.

(3) Alternative measures for owners of personal data In exercising the right to cancel sending or transfer Personal information to third parties or cancel the use of personal information outside the intended scope.

(4) Measures specifying responsibility for sending or transferring personal data in the contract. To determine appropriate personal data protection measures Including protection for sending or transferring information personal to outsiders

(4) Measures to maintain security in sending or transferring personal data to prevent

personal data breach

(6) Measures to determine the right to access personal information. Information processing Personal information is accurate, up-to-date, complete and not misleading. and deletion or destruction or make personal data non-identifiable to the person who owns the personal data.

(7) Effective legal remedies for damages. law enforcement and determination of liability resulting from sending or transferring personal information illegally

Article 12 In the case where contract terms according to Article 10 (2) are used, if applicable law is referenced. Amendments to other matters in the contract or add appropriate personal data protection measures or amendment of content in non-essential parts which does not conflict with the principles in Section 11 and does not affect the rights and freedoms of the owners of personal data. to be able to do

Clause 13 The Office shall also publish information and details of the model contract terms under Clause 10 (2) through the Office's website.

Article 14 Certification regarding the collection, use, and disclosure of personal information. of the personal data controller or personal data processor In respect of sending or transferring information Personal cross-border or sending or transferring personal information between countries. that there are data protection measures Appropriate personal safeguards (appropriate safeguards) in accordance with accepted standards according to Section 8, paragraph two (2) shall be as prescribed by the Committee. which must have content according to Section 11 as well

Announced on December 12, 1923,

Thianchai Na Nakhon  
Chairman of the Personal Data Protection Committee