

Announcement of the Personal Data Protection Committee

Subject: Criteria for protecting personal data sent or transferred abroad
according to Section 28 of the Personal Data Protection Act B.E. 2462
1923

By virtue of Section 16 (4) and (4) in conjunction with Section 28 of the Act. Personal Data Protection Act 1919, 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 the criteria for protecting personal data sent or transferred abroad in accordance with Section 28 of the Personal Data Protection Act B.E. 2462 (1923)”

Article 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

“Cloud computing service provider ” means a service provider. Preserve data or store data for others in a temporary or permanent form. There is a system that manages information on the internet It may provide services in various forms, such as main infrastructure service providers. (Infrastructure as a Service: IaaS), platform service provider (Platform as a Service: PaaS), software service provider (Software as a Service: SaaS), data storage system service provider (Data storage as a Service: DSaaS), and other Providing serverless computing data management systems or function service 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 where there is no person other

than Personal data controller or personal data processor who is The sender of personal data or personnel, employees, or employees access personal data because there are technical measures or legal conditions to support it.

“Committee” means the Personal Data Protection Board. “Office” means the Office of the Personal Data Protection Board. Clause 4: 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 It must comply with the criteria for personal data protection according to this announcement, except

(1) It is compliance with the law.

(2) Obtain consent from the owner of personal data by notifying the owner of personal data. Be aware of the 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 responding to the request of the owner of personal data before entering into the contract.

(4) It is an action based on a contract between the Personal Data Controller and another person or juristic person. For the benefit of the owner of personal data

(4) 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 carrying out a mission for important public interest. Section 4. Criteria for considering whether the destination country or international organization receives Personal data must have personal data protection standards. Providing personal data protection The destination country or international organization receiving personal data must have standards of protection. Sufficient personal data according to Section 4 shall be considered from the facts regarding the sufficiency of the following factors:

(1) There are legal measures or mechanisms regarding the protection of personal data of the destination country. or international organizations that comply with Thailand's personal data protection laws. In particular, the duty of the Personal Data Controller to provide appropriate security measures. Personal data protection measures that are appropriate and able to enforce the rights of personal data owners and effective legal remedies

(2) There is an agency or organization that has duties and authority to enforce laws and regulations regarding Protection of personal data in the destination country or international

organization

Item 6: In presenting problems regarding adequate standards of personal data protection The destination country or international organization that receives personal data is referred to the Committee for decision in accordance with Section 28, paragraph three. The Office may accept matters that the Personal Data Controller proposes for decision. Or the office may collect information and present it on its own. The committee may consider making decisions on a case-by-case basis or consider specifying a list of destination countries or international organizations that receive personal data that are considered to have adequate standards of personal data protection.

The office may request the committee to review its decision when new evidence makes it believe that The destination country or international organization that receives personal data has developed standards. Adequate protection of personal data or other cases deemed appropriate

Article 7: In the process of submitting matters to the committee for decision in accordance with Article 6, the Office shall prepare a report on personal data protection standards of the destination country or international organization. The office may prepare it itself or submit reports from other agencies.

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

Announced on Monday, December 12, 1923,
Thianchai Na Nakhon
Chairman of the Personal Data Protection Committee