

## Thailand's Personal Data Protection Act Enters into Force

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On June 1, 2022, Thailand's Personal Data Protection Act ("PDPA") entered into force after three years of delays. The PDPA, originally enacted in May 2019, provides for a one-year grace period, with the main operative provisions of the law originally set to come into force in 2020. Due to the COVID-19 pandemic, however, the Thai government issued royal decrees to extend the compliance deadline to June 1, 2022.

The PDPA mirrors the EU General Data Protection Regulation ("GDPR") in many respects. Specifically, it requires data controllers and processors to have a valid legal basis for processing personal data (i.e., data that can identify living natural persons directly or indirectly). If such personal data is sensitive personal data (such as health data, biometric data, race, religion, sexual preference and criminal record), data controllers and processors must ensure that data subjects give explicit consent for any collection, use or disclosure of such data. Exemptions are granted for public interest, contractual obligations, vital interest or compliance with the law.

The PDPA applies both to entities in Thailand and abroad that process personal data for the provision of products or services in Thailand. Like the GDPR, data subjects are guaranteed rights, including the right to be informed, access, rectify and update data; restrict and object to processing; and the right to data erasure and portability. Breaches may result in fines between THB500,000 (U.S.\$14,432) and THB5 million, plus punitive compensation. Certain breaches involving sensitive personal data and unlawful disclosure also carry criminal penalties including imprisonment of up to one year.

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