Towards Personal Data Protection in Thailand

Submitted by: Thailand
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Official Information Act 1997

- Guarantee Right to Know
- Protect Personal Data
The legal basis of Freedom of Information is the guarantee of the people’s rights to have full access to information, the so-called Right to Know. The main process towards establishing accountable and transparent government, key elements of Good Governance.

Data Protection under Official Information Act

The act allows state agencies to collect, process, and use personal data of the people only when it deems necessary for its authoritative operation. Meanwhile they are obliged to provide appropriate security system for such personal data.
Termination of the system will be finalized when its operation has been accomplished or when the system is no more necessary.

State agencies are not normally allowed to trace and store personal data of citizens, but are obliged to, in advance, inform the data subject about the collection of such personal data.
A personal information system to be established has to be publicly informed by announcement in the government gazette.

Personal data has to be kept safely and state agencies has to take good care of preventing any dissemination or disclosure of personal data to other state agencies or any private individuals without consent of the data owner.
state agencies have to make the personal information system open. It must be possible for individuals to access their own data file and to review its content.

**Problems in Implementation**

Information Act is a newly established law, the perceptions and the understanding of freedom of information and personal data protection has been very limited.
Information Law covers only personal data occupied by state agency, no legal mechanism to protect data in business sector.

As government and business occupy a great deal of personal data of which is indeed people's property, and more importantly, human dignity. They might cause the violation of privacy.
Personal Data Protection Act (draft)

approved by the cabinet
August 1st, 2006

Section 4

Enforce data processing of processor whether it be individual, organization, or state agencies with business or commercial objectives
Operation Plan for Public Relation and Knowledge Dissemination

• Distribute APEC Framework to state agencies as well as private organization through Chamber of Commerce, Industrial Association, Bank Association, Insurance Association, Direct Marketing Association, Webmaster Association, consumer’s organization, and non-government organization

• Organize conference and meeting of all parties concerned both for knowledge sharing and seeking coordination in knowledge transfer to members and general public
Operation Plan for Public Relation and Knowledge Dissemination

• Implement survey of Data Protection measure both in government and business organization to assess how they compile APEC to their practices

• Publish APEC framework and related articles in various media, newspaper, journals, and website

• Organize meeting and conference to disseminate knowledge concerning privacy protection and APEC rules.
new constitution of 2007, personal data has been more emphasized as written in article 35 as follows: “A person’s family rights, dignity, reputation and the right of privacy shall be protected. The assertion of circulation of a statement or picture in any manner whatsoever to the public, which violates a person’s family right, dignity, reputation or the right of privacy, shall not be made except for the case which is beneficial to the public. A person shall have the right to be accorded protection against undue exploitation of personal data related to his or her individuality, as provided by law.”

Concluding remarks

Considering personal data as a part of human rights, namely informational privacy right, legal mechanism, either the enactment of new law or the amendment of the present one, is therefore inevitable. Thai people, as the same as humans of all nations, should also have mechanisms to protect human dignity and prevent any privacy violations.
Information Law and the concepts of Freedom of Information as well as Privacy Protection or Personal Data Protection are totally new, thus requiring some time to become more efficiently effective.

Thai society needs some time to learn and recognize the “Right to Know” as an essential part of establishing transparent government and “Personal Data Protection” as an element of securing human dignity.
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