

PwC Legal Insight # 01/2024

Legal Update

Issued Date: 29 August 2024



A Wake-up Call for All Businesses:

PDPC imposes a Baht 7 million fine on a private company for data leak

The following report may be of interest to:

All clients

In brief:

It has been revealed that Expert Committee No. 2 of the Personal Data Protection Committee (PDPC) issued an administrative order mandating a private company to adhere strictly to the Personal Data Protection Act B.E. 2562 (PDPA). This decision came after a severe data breach involving a major private company in online sales. The breach resulted in the unauthorised use of a large volume of personal customer data, causing significant harm to individuals and sparking widespread discussion on social media.

Administrative penalties

Following an exhaustive investigation, the PDPC imposed administrative fines amounting to Baht 7,000,000 on the company for the following violations:

1. Failure to appoint a Data Protection Officer (DPO): Baht 1,000,000 fine

As mandated by PDPA Section 41 (2), the company, with a customer base exceeding 100,000 individuals, was required to appoint a DPO. The failure to do so resulted in a substantial fine.

2. Lack of appropriate security measures: Baht 3,000,000 fine

Under PDPA Section 37 (1), the company was found deficient in implementing minimum standard security measures. Specific shortcomings included:

- inadequate access control measures for personal data
- insufficient authorisation protocols for data access or usage.

3. Failure to report a personal data breach: Baht 3,000,000 fine

The company didn't fulfil the legal requirement of reporting the data breach to the PDPC within 72 hours, as stipulated in PDPA Section 37 (4). Additionally, the affected individuals weren't notified, further compounding the breach.

PwC Legal Insight # 01/2024

Legal Update

Issued Date: 29 August 2024



Directives for compliance

Beyond the financial penalties, the PDPC has issued several directives to the company to rectify its data protection practices, including enhancing security measures, personnel training, updating security protocols and progress reporting. Failure to comply with these directives could result in additional fines of up to Baht 500,000 under PDPA Section 89.

Takeaway for businesses

This case underscores the increasing stringency with which the PDPC enforces the PDPA. Organisations that fail to comply with the PDPA risk not only substantial financial penalties but also irreparable damage to their reputation and loss of stakeholder trust.

Our commitment

As Thailand's leading law firm specialising in the PDPA, we are committed to helping businesses navigate these complex regulations. We encourage all our clients and partners to urgently review their data protection policies and procedures.

Should you require assistance in achieving compliance or have any questions regarding the PDPA, please don't hesitate to contact us.

Together, we can ensure that your business remains compliant and that personal data is safeguarded, thereby maintaining the trust and confidence of your customers and stakeholders.



For further information, please contact:

Your regular PwC contact person or

- Ms Vunnipa Ruamrangsri at vunnipa.ruamrangsri@pwc.com or +66 (0) 2844 1284
- Ms Natpanee Pasuntaratum at natpanee.pasuntaratum@pwc.com or +66 (0)2 844 2051

© 2024 PricewaterhouseCoopers Legal & Tax Consultants Ltd. All rights reserved. PwC refers to the Thailand member firm, and may sometimes refer to the PwC network. Each member firm is a separate legal entity. Please see www.pwc.com/structure for further details.

This content is for general information purposes only, and should not be used as a substitute for consultation with professional advisors.

At PwC, our purpose is to build trust in society and solve important problems. We're a network of firms in 151 countries with over 360,000 people who are committed to delivering quality in assurance, advisory and tax services. Find out more and tell us what matters to you by visiting us at www.pwc.com.