



The PDPC Notification on Collection of Criminal Record became effective on 9 March 2024

On 8 January 2024, the Personal Data Protection Committee of Thailand (PDPC) had issued a notification regarding criteria pertaining to security measures for collection of personal data relating to criminal records which is not carried out under the control of official authorities B.E. 2566 (A.D. 2023) (the “Notification”), entering into force from 9 March 2024.

Under the Notification, “Personal data relating to criminal records” means personal data in relation to investigation of crime acts, criminal court proceedings, or criminal punishment, which is official or certified by the relevant official authorities.”

According to Clause 5 of the Notification, a data controller can collect personal data relating to criminal records, provided that (i) there is a legal provision requiring examination of criminal records or examination of qualification or prohibited characteristics relating to crime acts or criminal punishment or (ii) obtaining an explicit consent from the data subject. In addition to this, such collection shall be carried out for either of the following purpose:

1. Consideration of recruitment, examination of qualification or prohibited characteristics, or consideration of appropriateness of such person to assume the position.
2. Examination of qualification or prohibited characteristics of person in licensing, license issuance, approval, registration, being notified, certification, providing opinion for consideration, consideration for appeal, making a compliant, proceeding, payment, receiving welfares, or providing services to others by official authorities or a data controller performing the duties as assigned by the official authorities.