

Update on Exemption in the Record of Processing Activities for Small Organizations

Key updates on Thailand's PDPA Compliance Requirements in 2025

The evolving regulatory landscape requires businesses to keep up-to-date with changes in data protection laws. The recent promulgation of two notifications of the Personal Data Protection Commission ("PDPC") in January 2025 introduced key exemptions to the obligation of data controllers and data processors in maintaining Records of Processing Activities ("RoPA"). This newsletter provides an overview of the latest compliance requirements and what they mean for your business.

Overall Updates

Generally, Section 39 and Section 40(3) of the Personal Data Protection Act, B.E. 2562 (2019) ("PDPA") mandate that data controllers and data processors maintain RoPA (with different minimum required records) to ensure transparency and accountability. These requirements, however, do not apply to data controllers and data processors who are 'small organizations', unless their data processing activities are likely to result in a risk to individuals' rights and freedoms, are not occasional, or involve the processing of sensitive personal data under Section 26 of the PDPA.

On 8 January 2025, the following PDPC notifications were published in the Royal Gazette to clarify the meaning of 'small organizations' who are eligible for the exemptions:

- PDPC Notification re: the exemptions to record data processing activities for data controllers being small organizations, B.E. 2567 (2024) ("**PDPC Notification on RoPA Exemption for Data Controllers**"); and
- PDPC Notification re: the exemptions to prepare and maintain records of data processing activities for data processors being small organizations, B.E. 2567 (2024) ("**PDPC Notification on RoPA Exemption for Data Processors**").

These recent updates significantly reduce the administrative burden on small organizations by exempting them from maintaining certain records. This is especially beneficial for small businesses with limited resources, allowing them to focus on operations rather than compliance paperwork. From a regulatory standpoint, these exemptions indicate a move towards a flexible data protection framework, balancing compliance with economic practicality. Organizations must carefully assess their data processing activities to determine whether they qualify for the exemptions.

Key Exemptions

- **Small Organization Data Controllers** are exempt from maintaining certain records specified under Section 39(1), (2), (3), (4), (5), (6), and (8) of the PDPA.
- **Small Organization Data Processors** are exempt from preparing and maintaining RoPA under Section 40(3) of the PDPA.

Small Organizations Eligible for Exemptions

Small organization data controllers and data processors under the PDPA include:

- Small and medium-sized enterprises according to the law on promotion of small and medium-sized enterprises;
- Community enterprises and community enterprise networks according to the law on promotion of community enterprises;
- Social enterprises and social enterprise groups according to the law on promotion of social enterprises;
- Cooperatives, cooperative unions, and farmer groups according to the law on cooperatives;
- Foundations, associations, religious organizations, and non-profit private organizations;
- Condominium juristic persons according to the law on condominium and housing estate juristic persons according to the law on land development;
- Household businesses and other similar businesses; and
- Businesses operated by data controllers or data processors who are natural persons.

Those small organization data controllers and data processors who will be eligible for the exemptions must not be those required to appoint a data protection officer (“**DPO**”) under the PDPA.

Compared with the former PDPC Notification on RoPA Exemption for Data Controllers announced in 2022 (which is now repealed), two categories of data controllers who are considered small organizations were added to the list, i.e., (i) condominium juristic persons and housing estate juristic persons, and (ii) businesses operated by natural persons.

Limitations to Exemptions

Despite these exemptions, small organization data controllers and data processors are still required to record data processing activities that:

- pose risks to individuals’ rights and freedoms;
- are not occasional; or
- involve sensitive personal data as defined in Section 26 of the PDPA.

These limitations evidence that while the law intends to reduce extensive compliance burdens on such small organizations, specific activities that may be intrusive or adversely impact individuals’ rights over their personal data must still be recorded in RoPA to protect the rights of data subjects.

Stay Compliant with PDPA - Businesses must assess whether they qualify for these exemptions and ensure they remain compliant with other PDPA obligations. If your organization processes personal data, it is essential to make sure that you fully comply with the PDPA.

For further information or legal consultation regarding your compliance obligations, please contact:

Authors:



Rawat Chomsri
Partner
rawat@siampremier.com



Salin Thewphaingam
Senior Associate
salin@siampremier.com



Petchada Kingwattanakul
Senior Associate
petchada@siampremier.com