

Legal Update Week 49 - 50 (5 December – 18 December 2022)

Thailand Legal News

Increase in electricity cost for the business sector (15 December)

Due to the order of the National Energy Policy Council to change the calculation of the fuel adjustment tariff (FT fee) to stabilize the electricity cost for residential electricity consumers, the total electricity fee for the business sector will rise to THB 5.69 (USD 0.16) per unit.

<https://www.nationthailand.com/thailand/40023105>

**as of 29 December 2022: the electricity fee for the business sector is reduced to THB 5.33 (USD 0.15) as the price of factors used in the calculation of the FT fees has changed.*

Cabinet Resolutions

Shop and Payback tax deduction scheme (20 December)

The Cabinet approved the “Shop Dee Mee Kuen” (Shop and Payback) tax deduction scheme. taxpayers can use tax invoices from buying goods or services as a tax deduction for his/her personal income tax for an amount up to THB 30,000 for normal stores, and an additional THB 10,000 for online stores with an electronic tax invoice provided. This does not apply to certain goods, for example, alcoholic drinks, cigarettes, vehicles, etc. The eligible tax invoices must be issued during 1 January – 15 February 2023.

<https://www.thestar.com.my/aseanplus/aseanplus-news/2022/12/20/govt-launches-cashback-scheme-as-new-year039s-gift-for-thai-taxpayers>

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Government Gazette

The money lending business will become a contract-control business (13 December)

The Committee on Contracts (under the Consumer Protection Board) issued a notification making money lending business to be a business under contract control, whereby certain criteria and clauses are required to be included in its contract with consumers (depending on the type of the lenders: individual/juristic person and financial institute), for example:

- the contract must have clear Thai content;
- the minimum font size of the contract (e.g. not less than 2 mm. and not more than 11 letters in 1 inch);
- 30 days advance notice for termination;
- warning template for a guarantor as specified in the announcement;
- interest rate, and calculation table (as specified in the announcement);
- completeness of the important information, rights, and obligations between parties;
- etc.

The notification also stipulated that if the borrower pays back all outstanding debt under a contract in which the debt is normally paid in instalments, the lender is not entitled to the interest that is due after the repayment. In addition, it also prohibits the lender from adding unfair terms into the contract, for example, exclusion or limitation of liability for the lender's breach of contract, right of the lender to terminate the contract or demand that the borrower pay all or part of the debt before the due date even if the borrower has not defaulted on repayment or breached the contract, etc.

This law applies to business operators (focusing on B2C) including:

- Financial institutions;
- Banks;
- Individuals who operate in lending money as their normal business;
- Juristic persons operating in lending money, converting assets to securities, or monetary claims assets management;

https://www.ratchakitcha.soc.go.th/DATA/PDF/2565/E/289/T_0006.PDF

Criteria and procedures for the report of a personal data breach (15 December)

The Personal Data Protection Committee (PDPC) issued a notification prescribing criteria and procedures for reporting personal data breaches. Under the announcement, after a data controller has been notified about a data breach, such data controller shall verify the breach and shall impose measures to rectify the damages (if there is an

actual breach). It also stipulates that such data controller shall notify data subjects about the breach and the remedial measures if the breach poses serious damage to the data subjects' rights. Within 72 hours after acknowledging the breach, a data controller shall notify the breach to PDPC, in writing, via electronic means, or any other methods as specified by the PDPC office (none so far).

https://www.ratchakitcha.soc.go.th/DATA/PDF/2565/E/292/T_0007.PDF