

Translation

NOTIFICATION OF THE ELECTRONIC TRANSACTIONS COMMISSION
RE: RULES, PROCEDURES AND PERIOD FOR NOTIFYING THE CHANGE OF
TERMS AND CONDITIONS OF DIGITAL PLATFORM SERVICES

Whereas it is expedient to prescribe rules, procedures and period for notifying the change of terms and conditions of digital platform services to users;

By virtue of section 17 paragraph three in conjunction with section 23 of the Royal Decree on the Operation of Digital Platform Service Businesses That Are Subject to Prior Notification, B.E. 2565 (2022), and the resolution of the Electronic Transactions Commission in the Meeting No. 4/2566 on the 11th day of July B.E. 2566 (2023), the Electronic Transactions Commission hereby issues the Notification, as follows.

Clause 1. This Notification is called the “Notification of the Electronic Transactions Commission Re: Rules, Procedures and Period for Notifying the Change of Terms and Conditions of Digital Platform Services”.

Clause 2. This Notification shall come into force as of 3rd January B.E. 2567 (2024).

Clause 3. In this Notification:
“operator” means a person who operates a digital platform service business that possesses the characteristics under section 16 of the Royal Decree on the Operation of Digital Platform Service Businesses That Are Subject to Prior Notification, B.E. 2565 (2022);

“business user” means a person who offers goods or services to consumers through a digital platform service;

*Published in the Government Gazette, Vol. 140, Part 199 d, Special Issue, page 24, dated 21st August B.E. 2565 (2022)

Disclaimer: This translation is provided by the Electronic Transactions Development Agency as the competent authority for information purposes only. Whilst the Electronic Transactions Development Agency has made efforts to ensure the accuracy and correctness of the translation, the original Thai text as formally adopted and published shall in all events remain the sole authoritative text having the force of law.

“corporate website user” means a person who owns a website, having a location of the website (URL) appeared on the search list of a digital platform service which is a search engine under section 16 (2), regardless of whether remuneration has been charged or not;

“user” means a person who uses a digital platform service, and shall also include a business users and a consumer.

CHAPTER I GENERAL PROVISIONS

Clause 4. This Notification applies to operators providing digital platform services pursuant to Section 16 of the Royal Decree on the Operation of Digital Platform Service Businesses That Are Subject to Prior Notification, B.E. 2565 (2022).

Clause 5. In the case where there is a change to the terms and conditions of the digital platform service, the operator shall notify relevant users of the revised terms and conditions.

In the case where the change of the terms and conditions of the digital platform service under paragraph one is a change to the matters prescribed in the Notification of the Electronic Transactions Development Agency No. DPS. 4/2566 Re: Details on the Publication of Notice of Terms and Conditions of Digital Platform Services for Users’ Knowledge, the operator shall notify relevant users and the Agency of the revised terms and conditions and the consequences of such change, including the effective date. However, in cases of the change in Clause 6, Clause 9 (1) and Clause 26 under the Notification of the Electronic Transactions Commission No. DPS. 4/2566023 Re: Details on the Publication of Notice of Terms and Conditions of Digital Platform Services for Users’ Knowledge, the operator shall notify the relevant users of which does not require to the Agency.

Clause 6. In case of Clause 5 paragraph two, the operator shall not enforce the revised terms and conditions of services retroactively in a manner that impacts the right of users, except where it is required by law or a lawful order, or is beneficial to the users.

CHAPTER II NOTIFICATION TO USERS

Clause 7. In notifying the relevant users, the operator shall place a notification on the digital platform service which easily readable, visible or known to general users, or place it through an appropriate channel or the main channel for contacting users as agreed upon by the users and the operator.

Clause 8. In case of Clause 5 paragraph two, the operator shall notify the relevant users of the right to terminate the service or the right to terminate the contract with the operator prior to the effective date of the revised terms and conditions of services, including the process and consequences of exercising or not exercising such right.

Clause 9. In notifying the relevant users in accordance with Clause 8, the operator shall provide advance notification of not less than fifteen days prior to the effective date of the revised terms and conditions of services. In this regard, account shall be taken to the appropriateness of the nature, scope of the revision and potential impacts on the relevant users. In the case where the relevant users have to make technical or commercial improvements to accommodate such change, it shall be considered unusual circumstances, and the operator must provide advance notification for a reasonable period of time beyond the usual notification period in order to enable the relevant users to make technical or commercial improvements.

If the operator notifies the change less than fifteen days in advance, the revised terms and conditions shall take effect upon the expiration of fifteen days from the date of notification of the change, except in the following cases:

- (1) to comply with the law or a lawful order that prevents the operator from notifying the users within the specified period;
- (2) to resolve issues arising from the use of the service;
- (3) to merely reduce burdens or provide additional benefits to users;
- (4) to cover a new service or to improve the existing services;
- (5) to manage the unforeseeable and imminent danger relating to the prevention of the digital platform service or users from fraud, the spreading of malware or spam, data breaches or others risk to information security.

CHAPTER III
NOTIFICATION TO THE AGENCY

Clause 10. In case of clause 5 paragraph two, the operator shall notify the change of terms and conditions of the digital platform service under Section 17 paragraph three of the Royal Decree on the Operation of Digital Platform Service Businesses That Are Subject to Prior Notification, B.E. 2565 (2022), and the information on the date on which the operator notifies the users of the change of terms and conditions of the digital platform services. The submission shall be made concurrently with the annual notification of information on operations of the digital platform service business every year. Such notification shall contain the information as listed in the report form prescribed in the Notification of the Electronic Transactions Development Agency regarding Terms and Conditions Reporting Form for Digital Platform Services, and be submitted through the Business Notification System or filing the Form to the competent official at the Agency's principal office.

Given the 7th Day of August B.E. 2566 (2023)

Atchaka Sibunruang
Chairperson of the Electronic Transactions Commission