

Translation

NOTIFICATION OF THE ELECTRONIC TRANSACTIONS COMMISSION RE: RULES, PROCEDURES AND CONDITIONS FOR OPERATORS TO COMPENSATE OR REMEDY USERS WHO HAVE BEEN INJURED FROM USING THE SERVICE OR OTHER MATTERS NECESSARY TO PROTECT USERS,

Whereas it is expedient to prescribe suitable rules, procedures and conditions for operators under section 16 and section 18 paragraph two of the Royal Decree on the Operation of Digital Platform Service Businesses That Are Subject to Prior Notification, B.E. 2565 (2022) to compensate or remedy users who have been injured from using the service or other matters necessary to protect users for the purpose of compensating or remedying persons who have been injured from the operation of a digital platform service business prior to the issuance of the receipt of notification for the cessation of the operation of the digital platform service business;

By virtue of the provisions of section 28 paragraph three of the Royal Decree on the Operation of Digital Platform Service Businesses That Are Subject to Prior Notification, B.E. 2565 (2022) in conjunction with the resolution of the Electronic Transactions Commission in the meeting No. 4/2566 on the 11st 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 Conditions for Operators to Compensate or Remedy Users Who Have Been Injured from Using the Service or Other Matters Necessary to Protect Users”.

Clause 2. This Notification shall come into force as from the 21st day of August B.E. 2566 (2023).

Clause 3. In this Notification:
“operator” means a person who operates a digital platform service business that is subject to prior notification under section 16 or section 18 paragraph two of the Royal

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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;

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

“remuneration” means charges, fees, other expenses, and all money or other properties relating to the provision of services which are collected from a user;

“Commission” means the Electronic Transactions Commission;

“Agency” means the Electronic Transactions Development Agency.

Clause 4. Any operator who wishes to cease the operation of a digital platform service business shall prepare and implement the operational plan and measures for taking care of users as prescribed in this Notification.

Clause 5. The operational plan and measures for taking care of users shall at least be made in Thai language, using plain and easily understandable language for general users, and may utilize images, marks or any other graphical elements to aid in the description or conveying of the meaning. They shall, at a minimum, contain the following details:

(1) measures and process for taking care of users prior to the cessation of business operations;

(2) any other measure prescribed by the Agency to mitigate the effects as may be necessary for certain types or characteristics of the service in the interest of users prior to the cessation of business operations;

(3) time frame for the implementation of each step of clause 5 (1) and (2).

Clause 6. The measures and process for taking care of users prior to the cessation of business operations under clause 5 (1) must, at a minimum, include the following details:

(1) guidelines for the termination of services for the purpose of managing the compensation or remedy for persons who have been injured from the cessation of the digital platform service business;

(2) measures for compensating or remedying users who have been injured from using the service, which must, at a minimum, contain the following details:

(a) a process for managing the payment or transfer of remuneration, obligations, claims and properties of users that are outstanding or under the custody of the operator or related persons;

(b) a process for returning the remuneration or a process for maintaining the remuneration of users who cannot be contacted or fail to initiate contact for the return of the remuneration within the prescribed period;

(c) a process for managing user data in compliance with the relevant laws;

(d) a process for managing business information of business users on the digital platform service which is in the possession of the operator;

(3) a dispute resolution process and support channels for assisting users affected by the business cessation, the standard of which must not be lower than the measures to alleviate injuries and to compensate or remedy persons who have been injured by operations of the digital platform service business under section 25 and section 26 of the Royal Decree on the Operation of Digital Platform Service Businesses That Are Subject to Prior Notification, B.E. 2565 (2022), and which must, at a minimum, contain the following details:

(a) internal system for handling complaints regarding the cessation of business operations;

(b) support channels for assisting users who have been injured from the cessation of business operations;

(c) steps for remedying the injuries, including a channel or a procedure for accessing any other relevant remedy, and for notifying the results of actions taken to users who have been injured from the cessation of business operations.

Clause 7. The Agency may, in the interest of users prior to the cessation of business operations, further prescribe any other measures deemed necessary to mitigate the effects for a digital platform possessing any of the following characteristics:

(1) a large digital platform service or a specified digital platform service under section 18 paragraph two of the Royal Decree on the Operation of Digital Platform Service Businesses That Are Subject to Prior Notification, B.E. 2565 (2022); or

(2) a digital platform service where users have suffered injuries from using the service and such injuries have had impacts on the wider public and cannot be resolved through dispute resolution.

Clause 8. The operator shall specify a time frame for implementing clause 5 (3) which must, at a minimum, include the following details:

(1) time frame for managing each measure prescribed by this Notification;

(2) guidelines for reporting the progress and results of the implementation of the operational plan and measures for taking care of users prior to the cessation of business operations, to the Agency, which must, at a minimum, contain the following details:

(a) progress and results of the implementation of each step under the operational plan and measures for taking care of users;

(b) results of the handling of user complaints and the increase or decrease in the number of users who have been injured from using the service at the date of report.

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

(signed) *Atchaka Sibunruang*

(Mrs. Atchaka Sibunruang)

Chairperson of the Electronic Transactions Commission