

Translation

NOTIFICATION OF THE ELECTRONIC TRANSACTIONS DEVELOPMENT AGENCY  
NO. DPS. 4/2556  
RE: DETAILS ON THE PUBLICATION OF NOTICE OF TERMS AND CONDITIONS  
OF DIGITAL PLATFORM SERVICES FOR USERS' KNOWLEDGE

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Whereas it is expedient to prescribe details on the publication of notice of the terms and conditions of digital platform services for users' knowledge, for the purpose of promoting transparency and fairness in providing such services and for the purpose of complying with the Royal Decree on the Operation of Digital Platform Service Businesses That Are Subject to Prior Notification, B.E. 2565 (2022) by operators of digital platform service businesses;

By virtue of the provisions of section 17 paragraph two 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 11<sup>st</sup> Day of July B.E. 2566 (2023), the Director of Electronic Transactions Development Agency hereby issues the Notification, as follows.

**Clause 1.** This Notification is called the "Notification of the Electronic Transactions Development Agency No. DPS. 4/2556 Re: Details on the Publication of Notice of Terms and Conditions of Digital Platform Services for Users' Knowledge".

**Clause 2.** This Notification shall come into force as from the 3<sup>rd</sup> day of 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 in accordance with section 16 of the Royal Decree on the Operation of Digital Platform Service Businesses That Are Subject to Prior Notification, B.E. 2565 (2022);

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**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.

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

"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 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;

"search engine" means a digital platform service that allows users to search for websites of corporate website users in any language by entering information in the form of keywords, voice commands, phrases, or other information and the said digital platform service will display search results for websites associated with that information in any form;

"ranking" means the display of results of offered goods, services, computer data, advertisements, user satisfaction assessments and user reviews or other contents, or the display of search results on a search engine, which relate to one another based on a certain factor on a digital platform service, by sorting or relaying by an operator of a digital platform service pursuant to section 16 (1) and a search engine under section 16 (2) of the Royal Decree on the Operation of Digital Platform Service Businesses That Are Subject to Prior Notification, B.E. 2565 (2022), irrespective of the method of technology used;

"recommending" means the ranking of products, services, computer data, advertisements, user satisfaction assessments and user reviews or other contents in order to provide recommendations to a user by displaying results in relation to the outcomes of an analysis or projection of personal data and service usage behavior of the user, entirely or partially using the automation system operated by an operator of a digital platform service pursuant to section 16 (1) and a search engine under section 16 (2) of the Royal Decree on the Operation of Digital Platform Services That Are Subject to Prior Notification, B.E. 2565 (2022);

"satisfaction assessment and review" means information about the user's experience towards goods, services or contents received from a operator or other users, which is made publicly available.

**CHEAPER I**  
**GENERAL PROVISIONS**

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**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.** The operator shall clearly and appropriately publish the notice of terms and conditions of services for the users' knowledge prior to or at the time of the use of the services and must at least specify the service conditions. If a particular chapter has not been complied with, notification of such non-compliance shall be provided to the users.

If the operator has specifically complied with other laws relating to business operations or digital platform services, additional details of terms and conditions may be added, provided that regards shall be had to the details in this Notification.

**Clause 6.** The notice of terms and conditions of services must possess the following characteristics:

- (1) must at least be in Thai language;
- (2) must use plain language and be easily understood by general users of the digital platform service;
- (3) images, marks, or other graphical elements may be utilized to aid in the description or conveying of the meaning;
- (4) must be readily readable, visible, or known by users prior to or at the time of using the relevant parts;
- (5) must provide sufficient details to the relevant users to make decisions on the use of the digital platform service with correct understanding.

**Clause 7.** The operator shall submit a report and evidence of the publication of notice of terms and conditions of service for users' knowledge in accordance with section 17 paragraph one of the Royal Decree on the Operation of Digital Platform Service Businesses That Are Subject to Prior Notification, B.E. 2565 (2022). The aforementioned report shall contain the information as listed in the form prescribed by the Notification of the Electronic Transactions Development Agency relating to the report form of the notice of terms and conditions of digital

platform services. The report and evidence shall be submitted through the Business Registration System or by making the submission to the competent official at the location of the Agency.

The report of actions under paragraph one shall be submitted annually every year, concurrently with the notification of information on operations of the digital platform service business.

**CHAPTER II**  
**CONDITIONS OF SERVICES, TERMINATION OR SUSPENSION OF SERVICES**  
**AND CHARGING OF THE REMUERATION**

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**Clause 8.** The operator who has implemented differentiated treatments for goods, services or contents of operators or users offered on the digital platform service, must elaborate on the details of the differentiated treatments in the conditions of services. This includes specifying particular measures used or implemented by the operator in the following matters:

- (1) access to personal information or other information provided by users for the use of the digital platform services or arising from the provision of the digital platform service;
- (2) ranking or other setting by the operator which affects users' access to the goods, services, or contents offered on the digital platform services by other users;
- (3) direct or indirect remuneration charged for the use of the digital platform service;
- (4) access to services, functions, or technical connections on the digital platform service, including conditions and remuneration of such use.

**Clause 9.** In the case where the operator provides an advertisement on the operator's own digital platform services, the following details must be shown while the advertisement appears to the service users:

- (1) an image, mark, or any other thing of the same nature, to inform that the information presented is an advertisement;
- (2) channels or means to enable the users to verify the advertiser.

**Clause 10.** The operator shall provide details of the remuneration, duration, channels, means and forms of payment for remuneration, fees, other expenses and all money or

other properties relating to the provision of services which the operator collects from the users or the operator must pay to the users.

**Clause 11.** The operator providing digital platform services having the characteristics under section 16 (1) of the Royal Decree on the Operation of Digital Platform Service Businesses That Are Subject to Prior Notification, B.E. 2565 (2022) shall provide the following details in the conditions of services:

(1) additional distribution channels where the operator may offer goods, services, or contents to consumers through other channels or an affiliated program which the operator may market the goods, services, or contents of the users;

(2) the effect of the terms and conditions of services relating to the ownership and control over intellectual property rights of the users;

(3) the type of ancillary or complementary goods, services, or contents that are offered by the operator or third parties prior to the completion of a sale transaction, including the conditions under which the operator will be able to offer the said goods, services or contents on the digital platform service;

(4) conditions that restrict or prevent a business user from offering the same type of goods, services or contents under different conditions through channels other than the digital platform services of the operator, including the relevant justifications;

(5) conditions under which the operator will suspend, either in entirety or partially, the service offered to a user or terminate the service offered to any user, provided that this must be in compliance with the requirements under clause 12, clause 13 and clause 14;

(6) conditions under which the users can terminate the contract with the operator, including the process and consequence resulting from the termination of such contract;

(7) detailed process of authentication of users' identity.

**Clause 12.** In the case where the operator providing the digital platform services having the characteristics under section 16 (1) of the Royal Decree on the Operation of Digital Platform Service Businesses That Are Subject to Prior Notification, B.E. 2565 (2022) intends to temporarily suspend, either in entirety or partially, the service offered to any particular user, the operator shall notify the concerned user in writing prior to or at the time of service suspension. The notification shall also include reasons for the suspension, such as the relevant service conditions, facts, circumstances, notifications by third parties or the period for exercising the right to contest.

**Clause 13.** In the case where the operator providing the digital platform services having the characteristics under section 16 (1) of the Royal Decree on the Operation of Digital Platform Services That Are Subject to Prior Notification, B.E. 2565 (2022) intends to terminate the service offered to any particular user, the operator shall notify the concerned user in writing no less than thirty days in advance. The notification shall also include the reasons for the termination, such as the relevant service conditions, facts, circumstances, notifications by third parties or the period for exercising the right to contest.

The period and notification of reasons under paragraph one shall not apply to the following cases:

- (1) complying with the law or a lawful order that prevents the operator from notifying the users within the specified period;
- (2) repeat violation of the conditions of services or serious violation which is clearly stipulated in the conditions of services.

In the case where the operator notifies the termination of services less than thirty days in advance, the termination shall take effect at the expiration of thirty days from the date of notification of the termination.

**Clause 14.** In cases of service suspension under clause 12 or service termination under clause 13, the operator shall provide the users an opportunity to clarify the facts and reasons through the internal complaint-handling system.

In the case where the operator suspends or terminates the service pursuant to paragraph one, the operator shall reinstate the service to the users within a reasonable time, and shall allow the user to access personal information or other information that the user had on the digital platform service prior to the said suspension or termination of service.

**Clause 15.** For the interest of the user, in case of temporary service suspension, irrespective of whole or partial service, as a result of improvement of service, problems or defects of the service or any other similar cause, the operator shall provide the following details to users:

- (1) In the case where there is an advance preparation, the operator shall provide users with a notification in advance prior to the suspension of service, including the details regarding the temporary service suspension, reasons and period of such service suspension.
- (2) In the case where there is no advance preparation, the operator shall provide users with a notification expeditiously after the service suspension, including the details regarding the temporary service suspension, reasons and period or expected period of such service suspension.

**Clause 16.** In the case where the operator providing digital platform services possessing characteristics under section 16 (1) of the Royal Decree on the Operation of Digital Platform Services That Are Subject to Prior Notification, B.E. 2565 (2022) provides users' satisfaction assessments or reviews on the operator's own digital platform service, the operator shall provide the relevant details in the following matters to the users :

(1) requirements relating to collection, such as an assessment of satisfaction or a review made by an actual person who actually used or received the said goods or services, a period for submitting a satisfaction assessment or a review, including the results or benefits of doing so;

(2) requirements relating to screening, such as an assessment of satisfaction or a review based on one's own experience with the said goods, services, or contents, which shall not include words or statements that are defamatory or in violation of other laws, and handling of the assessment of satisfaction or the review not in compliance with the requirements;

(3) requirements relating to disclosure of information, such as displaying names or disclosing information about users who assess their satisfaction or make reviews, filtering of satisfaction assessments or reviews of users and options for adjusting or setting the said filter.

### CHAPTER III

#### MAIN PARAMETERS OF ALGORITHM OR OF CRITERIA

#### USED BY THE OPERATORS TO PROVIDE RANKING OR RECOMMENDING TO USERS

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**Clause 17.** The operator shall provide the main parameters of algorithm or of criteria used by the operators in ranking or recommending the lists of goods, services, computer data, advertisements, satisfaction assessments and reviews or other contents, and the reasons why such main factors are important in the ranking or recommending compared to other factors. The display of such main factors shall not include the disclosure of algorithms.

The main parameters of algorithm or of criteria under paragraph one are, for example, price, enter of information in the form of keywords, user demographic, product quality, vendor quality, satisfaction assessments and reviews of other users, stock of goods, or information relating to the goods.

In cases of recommending the list of goods, services, computer data, advertisements, satisfaction assessments and reviews or other contents, the operator shall provide details of options for the users to adjust or set the said main factors.

**Clause 18.** If the remuneration, fees, other expenses, and money or other properties relating to the provision of services that the operator collects from the users or the operator must pay to the users, whether directly or indirectly, are a part of the main parameters of algorithm or of criteria that may affect ranking or recommending of the lists of goods, services, computer data, advertisements, satisfaction assessments and reviews, or other contents, the operator shall provide details of the consequences that could occur to the users.

**Clause 19.** If the operator providing a search engine service under section 16 (2) of the Royal Decree on the Operation of Digital Platform Service Businesses That Are Subject to Prior Notification, B.E. 2565 (2022) changes the order of ranking or recommending of any particular website or revokes any particular website due to a notification of a third party, the operator shall provide detailed options to the corporate website user to verify the content of such third-party's notification.

**CHEAPER IV**  
**ACCESS TO AND USE OF DATA RECEIVED FROM**  
**THE PROVISION OF DIGITAL PLATFORM SERVICES BY OPERATORS OR USERS**

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**Clause 20.** The operator shall provide details regarding the access to and use of personal information or other information provided by users for the purpose of using the digital platform services or arising from the operator's provision of the digital platform services, irrespective of whether the access and use are technical or contractual in nature, including the collection of such information after the service contract ends. The details must at least include the following matters:

(1) access to and use of such information by the operator, specifying the types of information and the conditions under which it is accessed and used; in addition, if such information is shared with third parties who are not directly involved in the provision of digital platform services, the operator shall provide a notice regarding the purpose of sharing the information and the option of opting out of sharing the information with third parties;

(2) access to and use of such information by users, specifying the types of information and the conditions under which it is accessed and used, including access to and use of personal information or other information by other users; in addition, the operator shall provide a notice regarding the option for users to share the information with third parties who are not directly involved in the provision of the digital platform service.



**CHAPTER V**  
**SUPPORT CHANNELS, INTERNAL COMPLAINT-HANDLING SYSTEM AND DISPUTE RESOLUTION,**  
**AS WELL AS TIMEFRAME FOR SUCH ACTIONS**

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**Clause 21.** The operator shall provide details relating to channels or personnel responsible for providing assistance to users who have been injured from using the services and the internal complaint-handling system that corresponds to the behaviors of the users, whether the complaints relate to the provision of the digital platform service of the operator or the services of staff or employees of the operator or relevant service providers, including the time frame of such action.

**Clause 22.** The operator shall provide details regarding the internal complaint-handling system under clause 21, which must, at a minimum, include steps and measures for taking care of users who have been injured from using the service, steps for remedying the injuries, steps for following-up on complaints and notifying users of the result of actions taken, and identification of the essential contents of an insurance contract put in place by the operator in case of damage (if any), as well as other measures prescribed in the Notification of the Commission in accordance with section 26 of the Royal Decree on the Operation of Digital Platform Service Businesses That Are Subject to Prior Notification, B.E. 2565 (2022).

**Clause 23.** The operator shall notify users to first use the internal complaint-handling system of the operator under clause 21.

For the interest of users, the operator may provide details of the central channel for receiving complaints arising from the provision of digital platform services made available by the Agency pursuant to section 31 of the Royal Decree on the Operation of Digital Platform Service Businesses That Are Subject to Prior Notification, B.E. 2565 (2022) in addition to the requirements under paragraph one by displaying the following statements or other similar statements:

“Recommendations of the Electronic Transactions Development Agency (ETDA): If you have any problems with a digital platform service, please contact (Company address, telephone number). If it has not been resolved within the specified time frame, you can contact Online Help and Problem Management Center (1212ETDA): Hotline 1212 (24 hours); Email: 1212@mdes.go.th for advice and submitting complaints.”

**Clause 24.** In the case where the operator arranges a dispute resolution process by means of mediation or arbitration, the operator shall provide details relating to such procedures, which may include qualifications of a mediator or an arbitrator, timeframe, notification of outcome of the mediation or arbitration. Any action taken through the dispute resolution process shall be without prejudice to the rights of the operator and the service users to take legal action.

**CHAPTER VI**  
**RATING OF GOODS, SERVICES, OR CONTENTS**  
**THAT ARE APPROPRIATE TO EACH GROUP OF USERS**

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**Clause 25.** In the case where the digital platform service offers goods, services or contents that are required by relevant laws to be appropriately rated for each group of users, the operator shall provide users with the details of the criteria used in the rating and the resulting consequences of such rating.

**Clause 26.** The operator shall present users with information of or symbols that represent the rating of goods, services, or contents pursuant to clause 25, prior to or at the time of the use of the services. The location of the information or symbol must be close to the goods, services or contents rated.

**CHAPTER VII**  
**ACTIONS TO BE TAKEN TO ILLEGAL GOODS, SERVICES, OR CONTENTS**

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**Clause 27.** The operator shall present users with details regarding policies, processes, measures, or tools used by the operator for addressing illegal goods, services or contents, including algorithmic decision making or human review used in undertaking such actions.

**Clause 28.** In the case where the operator establishes a mechanism for alerting and taking action against illegal goods, services or contents, such as notice-and-action or notice-and-takedown mechanisms, enable users to alert the operator about specific goods, services or contents that they believe to violate relevant laws, the operator shall provide users

with a detailed process for executing such actions, which shall at least consist of the following details:

(1) requirements that users must comply with when intending to alert the operator, which shall at least include the following details:

(a) the alert must be made in writing and affixed with the notifier's signature or electronic signature;

(b) the user must certify that the statements of the alert are true;

(2) details of the information included in the alert, which shall at least comply with the following:

(a) contact information of the notifier, such as name, telephone number, email address, or any means or channel through which the notifier can be contacted;

(b) sufficient explanation of the reasons why the alleged goods, services, or contents are illegal under the relevant laws;

(c) the allegedly illegal goods, services, or contents and the location of the goods, services, or contents, which must be reasonably and sufficiently detailed as to enable the operator to take actions against such goods, services, or contents, such as URLs. However, where the notification is made to the operator providing a search engine service under section 16 (2) of the Royal Decree on the Operation of Digital Platform Service Businesses That Are Subject to Prior Notification, B.E. 2565 (2022), only the reference source or access point leading to the allegedly illegal goods, services, or contents along with reasonably sufficient details that enable the operator to identify the said source or access point, shall be specified;

(3) notice given to the user allegedly distributing illegal goods, services or contents to provide an opportunity for such user to contest.

Given on the 4<sup>th</sup> Day of August B.E. 2566 (2023)

(signed) *Chaichana Mitrpant*

(Mr. Chaichana Mitrpant)

Director

Electronic Transactions Development Agency