



## Joint Foreign Chambers of Commerce in Thailand

25<sup>th</sup> April 2016

Pol. Lt. Gen. Nathathorn Prousoontorn  
Commissioner  
Immigration Bureau  
507 Soi Suan Plu  
Sathorn Tai Road  
Bangkok 10300

Dear Pol. Lt. Gen. Nathathorn,

### **Proposed changes to 90 day reporting requirements**

The Joint Foreign Chambers of Commerce in Thailand is the umbrella body for various Thai-foreign chambers or business associations operating in Thailand. Our mission is to promote trade and foreign investment, encourage skills development and transfer with the overall aim of contributing to the economy. Ease of Doing Business is one key objective and we commend this government for the measures it is taking to improve ease of doing business, including overhauling law and regulation to ensure a modern, efficient framework which would allow Thailand to be most competitive in today's business environment.

We refer to the proposed new 90 day reporting format for foreigners in Thailand, which as we understand the Bureau of Immigration's plans, information is to be collected about clubs, restaurants, shops frequented, social media used, car registration, bank accounts and other personal information. Extracts of the English version are attached. Unfortunately these new proposed measures appears to be contrary to the positive goals which the government has set.

The information requested is obviously of a very personal nature. We would urge a review of the planned use of this new form for the following reasons:

- a) The overall tone of the request has had a very negative response in terms of support for ease of Doing Business and is and would be regarded as a further and unnecessary complication, and would be a factor which would not support an improvement in the nation's Doing Business ranking (currently at 49<sup>th</sup> of 61 in the 2016 rankings).
- b) The information sought is intrusive and has already resulted in privacy concerns. The people who provide the skills levels which Thailand seeks tend to be much more concerned about privacy than many other groups. Asking for and capturing such information will be a negative message to this group in particular, and to others.



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- c) The stated purposes of safety and security are unlikely to be enhanced by this new form. It applies to those currently needing to make 90 day reports, not to those whose visits are of a shorter duration. It would be very easy for any person with bad intent to work this system, but those with good intent and conduct would be left with highly personal and sensitive (eg bank accounts) information at risk of misuse. It would also be easy for those with bad intent to provide false information.
- d) It would be fairly accepted that the secure storage of such information could not be guaranteed. This itself is a security risk. There is no relevant protection of such information and the draft Personal Data Protection law has some gaps which the foreign business community would very much like to make recommendations about. (Our understanding, is unfortunately, that the draft law is currently classified and access to a recent draft is not available).
- e) Maintaining accuracy of the data collected with an easy and efficient means of correcting by the data subject would be absent. This is a key feature of personal data protection laws.

In fact, the JFCCTs long considered and published recommendation is to do away with 90 day reporting, and replace with an efficient and effective on-line means of reporting only for changes in principal place of business and change of residential address. We would refer to published summary of our work permit and visa recommendations which can be found at <http://www.jfcct.org/files/2012/10/WORK-PERMIT-VISA-Summary-at-Nov-2015-a.pdf> and is also in the Attachment to this letter (item 4, p.2). This also covers recommendations about a change to the legal definition of 'work'. This is also extracted in the attached page.

We would therefore call on government to consider with some urgency the following measures:

1. Review the proposed use of this new form; reconsider the need to collect this additional personal information and consider the negative impact it will have on 'Doing Business'.
2. Release the current draft of the Personal Data Protection law with a time period for review and comment. Our understanding is that this document is currently classified. JFCCT participated in and supported an excellent series of community engagement events via ETDA during 2015. We note for example some important gaps in the following areas amongst others: cross border disclosure regime, the ability of the data subject to have access to and correct data is essential for the concept of trust. A well-supported personal data protection regime is an essential part of Thailand's very valid aspirations for its digital economy. The last version we



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have seen of the draft law has many very positive aspects but as noted, some gaps. User community buy-in (achieved through consultation) is essential for its success.

3. Consider the JFCCT proposals for changes to 90 day reporting in the materials submitted and published, and related work permit and visa issues in the attached file.

We will be most pleased to discuss any of these matters or provide further information.

Yours sincerely,

Stanley Kang

JFCCT Chairman



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### Attachment to letter dated 25 April 2016 from JFCT

#### Extracts of form

#### 2.4 All Social Media Used by Foreigner

2.4.1 .....

2.4.2 .....

2.4.3 .....

Email Address: .....

#### 2.5 Vehicle Used by Foreigner .....

2.5.1 Car Brand: ....., Model: ....., Color: .....,  
License Plate No. ....

Car brand: ....., Model: ....., Color: .....,  
License Plate No. ....

2.5.1 Motorcycle Brand: ....., Model: ....., Color: .....,  
License Plate No. ....

#### 2.6 Other Places or Premises Visited Often by the Foreigner (such as Club, Restaurant, Shop, Hospital and Other Places)

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.....

#### 2.8 Bank Account No. Used by Foreigner

2.8.1 Bank Name: ..... Branch: ..... Name of Account  
Owner: ....., Bank Account No. ....

2.8.2 Bank Name: ..... Branch: ..... Name of Account  
Owner: ....., Bank Account No. ....

Work Permit and Visa recommendations – also at

<http://www.jfct.org/files/2012/10/WORK-PERMIT-VISA-Summary-at-Nov-2015-a.pdf>



WORK PERMIT VISA  
- Summary at Nov 2015