

Credit Information Business Act (No.3) B.E.2551 (2008)

Translation

BHUMIBOL ADULYADEJ, REX.,
Given on the day of 6th February B.E. 2551
Being the 63rd Year of the Present Reign.

His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim that:

Whereas it is deemed appropriate to amend the law on credit information business;

Be it therefore enacted by the Majesty the King by and with the advice and consent of the National Legislative Assembly, as follows:-

Section 1

This Act shall be called the "Credit Information Business Act (No.3) B.E.2551 (2008)".

Section 2

This Act shall come into force after its publication in the Government Gazette.

Section 3

The definitions of "Information" "Information Processing" and "Credit Information Business" in Section 3 of the Credit Information Business Act B.E.2545 shall be repealed and replaced by the following texts:

"Information" means anything that can bear the meaning of facts pertaining Credit Information or Credit Scoring, regardless of whether such bearing of the meaning is due to the condition of that thing or due to any other methods, and regardless of whether being prepared in the form of document, file, report, book, map, drawing, picture, film, video or audio record, record made by computer, or any other methods that can disclose the information recorded.

"Information Processing" means any process that deals with Information, including the gathering, recording, filing, retaining, amending, retrieving, using, disclosing, publishing, accessing, deleting or destroying of Information including producing and disclosing the credit scoring and statistical report.

"Credit Information Business" means business relating to the control or processing of Credit Information in order to provide Information to the Members or Recipients of Service.

Section 4

The definition of "Credit Scoring" shall be inserted between the definitions "Information Processing" and "Information Controller" in Section 3 of the Credit Information Business Act B.E.2545:

"Credit Scoring" means the probability indicator of the repayment produced by using statistical method in the Information Processing by the Credit Information Company.

Section 5

The provision of Section 29 of the Credit Information Business Act B.E.2545 as amended by the Credit Information Business Act (No.2) B.E.2549 shall be repealed and replaced by the following texts:

"Section 29

A Committee shall be established and shall be called "Committee for the Protection of Credit Information". The Committee comprises the Governor of the Bank of Thailand as a chairman, the Permanent-Secretary of Ministry of Finance as a deputy

of the chairman. Other members of the Committee include the Permanent-Secretary of the Office of the Prime Minister, the Permanent-Secretary of Ministry of Justice, the Secretary-General of the Council of State Commission, the Secretary-General of the Office of Insurance Commission, the Director-General of Department of Administration, the Director-General of Department of Business Development, the Director-General of Department of Co-operatives Promotion, the Secretary-General of the Consumer Protection Commission, the Director-General of the Fiscal Policy Office, the Secretary-General of the Office of the Securities and Exchange Commission, , the Director of NECTEC, the Secretary-General of Thai Banker's Association and other five Experts.

The Cabinet shall appoint the Experts referred to in the first paragraph. In this regard, at least two of the Experts so appointed must be well versed in the field of consumer protection; one of them must be an Expert in banking and finance; one of them must be an Expert in computer; and one of them must be an entrepreneur of the private business. The Experts shall be in position for a two - year tenure and shall be re-appointed. None of them shall be appointed and held in the same position more than two consecutive terms.

The Committee shall appoint an Assistant Governor or a Senior Director of the Bank of Thailand to serve as the Secretary to the Committee."

Section 6

The Expert who is in the office prior to the effective date of this Act shall remain in the office until the expiration of the term of office. Upon the expiration of the term, in the case where a new Expert has not been appointed yet, such Expert shall perform duties for the time being.

Countersigned by:

General Surayuth Julanont

Prime Minister

The Government Gazette, Decree Issue, Vol.125/Part 33 Kor/Page 9/13 February 2551

Note: The rationale for the enactment of this Act is for providing credit services consistent with the potential of repayment to consumer which impacts the safety of financial institutions system and benefits to the economic system of the country. Therefore, it deems appropriate to allow the credit information company to calculate credit scoring and produce the statistical report together with to amend the composition of the Committee for the Protection of Credit Information which is suitable for the present situation. Thus, it is necessary to enact this Act.

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