

Complaint No. 196/2553: Personal rights and liberties – petition for investigation on trading of customers’ personal data between credit company and insurance company

The complainant complained to the NHRCT that a staff of Muang Thai Insurance Company Limited had telephoned to contact him to sell products despite the fact that the complainant never disclose personal data or telephone number to Muang Thai Insurance Company Limited. The complainant assumed that this company staff might obtain the complainant’s telephone number from Ayutthaya Capitol Auto Lease Company Limited (public company) which was a credit company that the complainant had a car hire-purchase contract. The complainant saw that this act of a financial institute had affected personal right and privacy, and thus complained to the NHRCT to investigate human rights violation.

The NHRCT considered facts obtained from checking related laws and had a view that it did not appear how the complainant’s personal data and telephone number had been disclosed to external persons and whether Ayutthaya Capitol Auto Lease Company Limited disclosed this personal data and telephone number to external persons. Therefore it cannot be adjudged that there had been an action or negligence of action that constituted human rights violation. Moreover, there was no fact to confirm that Ayutthaya Capitol Auto Lease Company Limited (public company) and Muang Thai Insurance Company Limited did anything wrong according to the Credit Information Business Act B.E. 2545 (2002). The complainant thus could not be protected by the Credit Information Business Act. This matter should therefore be considered closed.

The NHRCT, however, sees that at present personal data is being disseminated through mass media, especially online media, to seek commercial benefits without permission of the owner of the personal data. Personal data is used to disturb privacy of the owner of personal data. This affects rights and liberties of individual persons in the general public – a situation that has facts similar to this complaint. This problem should be solved in the whole picture to be in accordance with Section 35 of the Constitution of the Kingdom of Thailand B.E. 2550.

The NHRCT therefore saw it appropriate to come up with policy recommendations for the Bank of Thailand to have measures to prevent and control those who possess or control customers' and have financial business with financial institutes use or disclose personal data in their possession or control without permission from owners of personal data to wrongfully gain benefits or take actions that is disturbance of privacy of the owners of personal information, so that personal rights and liberties and privacy are protected and prevented from any action or negligence of action that are violation of personal rights and liberties, and privacy of the owner of information, in the way that is consistent with section 35 of the Constitution of the Kingdom of Thailand B.E. 2550.

Office of the NHRCT is required to monitor results of actions.