

Information relating to the bank statement

This article is the case of a plaintiff in a criminal case who filed a document requesting an accused's bank statement. Shall a state agency that possesses such information disclose the requested information?

Ms. Rak Jang, a plaintiff in a criminal case, filed a document to Mueang Tip Bank requesting a bank statement of an accused, Mr. Kwan Jai, for compulsory performance. Mueang Tip Bank rejected disclosing information because the requested information is considered personal information which shall not be disclosed unless the data subject has given consent following the Personal Data Protection Act, B.E. 2562 (2019). Ms. Rak Jang, therefore, filed an appeal letter to the Information Disclosure Commissioner.

The Information Disclosure Commissioner relating to society, public administration and law enforcement concluded that the passbook, information as appealed, is Mr. Kwan Jai's bank statement information. The information is considered personal information under Section 4 of the Official Information Act, B.E. 2540 (1997) since it relates to Mr. Kwan Jai's financial status. In addition, the requested information is the Bank's customer information collected from banking operations under the Financial Institution Business Act. Since the information subject has not given consent before or at the time of such disclosure, Mueang Tip Bank shall not disclose the information in its possession according to Section 24. Moreover, the disclosure thereof would result in a decline in the efficiency of the financial institution's business law enforcement and an inappropriate encroach upon privacy rights due to Section 15 (2) and (5) of the same Act. Moreover, Ms. Rak Jang still has other options to force the judgment debtor to pay a debt. Therefore, it was lawful that the Mueang Tip Bank rejected disclosing such information as appealed. For this reason, the Commissioner agreed to dismiss the appeal.

Should there be any inquiries on practices regarding the Official Information Act, B.E. 2540 (1997), please contact the Office of the Official Information Commission, the Office of Permanent Secretary, the Prime Minister's Office via telephone at 0 2283 4678-79.

“Transparent Information without any Corruption among Thai Authorities”

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