

[Translation]

## Notification of the Insurance Commission

Re: Criteria and Procedures for the Non-Life Insurance Companies' Issuing and Offering-for-sale of Insurance Policies and for the Life Insurance Agents', Life Insurance Brokers', and Banks' Operations,  
B.E. 2563 (2020)

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In order that the public and the insured receive good quality services from insurance companies and intermediaries, steps should be taken to ensure that the provision of services is fair throughout the entire process, comprising the development and the issuance of Insurance Policies, the selection of offerors, distribution channels, the setting of standards for the offering process and, the provision of information in support of consideration for purchasing Insurance Policies, the after-sales service, the handling of complaints, and the payment of claims, and to ensure that a Companies issuing Insurance Policies must have in place an efficient operating system for the control of the quality of the sales offering of their Insurance Policies at every channel, as well as management, supervision, monitoring, auditing, and evaluation of sales behavior at every channel, for the purpose of ensuring that its Insurance Policies at every channel take into consideration the rights and benefits of the public and the insured.

By virtue of Section 37 (6) and Section 74/1 of the Non-life Insurance Act B.E. 2535 (1992), including its amendments, together with the resolution of the Insurance Commission Meeting No. 7/2020 on 26 June 2020, the Insurance Commission prescribes this Notification as follows:

Clause 1 This Notification shall be called the "Notification of the Insurance Commission Re: Criteria and Procedures for the the Non-Life Insurance Companies' Issuing and Offering of Insurance Policies for Sales of Non-life Insurance Companies and for Non-Life Insurance Agents', Non-Life Insurance Brokers', and Banks' Operations B.E. 2563 (2020)."

Clause 2 This Notification shall take effect 60 days after its publication in the Government Gazette onwards, except for Clause 3 (3) Chapter 1 and Chapter 3 Part 2, which shall take effect as from the date of its publication onwards.

Clause 3 The following notifications shall be repealed entirely:

(1) the Notification of the Insurance Commission Re: Criteria and Procedures for the Non-life Insurance Companies' Issuing and Offering of Insurance Policies for Sales and for

the Non-life Insurance Agents', Non-life Insurance Brokers', and Banks' Performance of Duties, B.E. 2561 (2018) dated 13 November 2018;

(2) the Notification of the Insurance Commission Re: Criteria and Conditions for the Offering-for-sale of Insurance Policies via Advertising Media under the Law on Non-life Insurance, B.E. 2556 (2013) dated 24 June 2013;

(3) the Notification of the Insurance Commission Re: Criteria and Procedure for the Non-life Insurance Companies' Issuing and Offering of a Non-life Insurance for sale and for Non-life Insurance Agents', Non-life Insurance Brokers', and Banks' Performance of Duties during the Coronavirus 2019 (COVID-19) Pandemic, B.E. 2563 (2020) dated 30 March 2020.

Clause 4 In this Notification:

“Company” means a company that has been granted a non-life insurance business under the law on non-life insurance, and shall also mean a foreign non-life insurance company's branch that has been granted a license to operate a non-life insurance business in the Kingdom of Thailand under the law on non-life insurance;

“Non-life Insurance Agent” means a non-life insurance agent under the law on non-life insurance;

“Non-Life Insurance Broker” means a non-life insurance broker under the law on non-life insurance, but excluding Banks;

“Bank” means a bank that has been granted a life insurance brokerage license under the law on non-life insurance;

“Offering-for-sale of Insurance Policies ”, with respect to an offering made by a Non-life Insurance Agent, means an inducement for a Customer to enter into an insurance contract with a Company; with respect to an offering made by a Non-life Insurance Broker or a Bank, means an indication of an opportunity or an arrangement for a Customer to enter into an insurance contract with a Company; and with respect to sales offering made by a Company, means an invitation for a Customer to enter into an insurance contract with the Company;

“Office” means the Office of Insurance Commission;

“Offeror” means an employee or staff member of a Company, a Non-life Insurance Agent, a Non-life Insurance Broker, or a Bank;

“Customer” means a person being or having been invited, induced, or provided with an indicated opportunity by a Company's employee or staff member, Non-life Insurance Agent, Non-life Insurance Broker, or a Bank for entering into an insurance contract with a

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Company, and shall include the insured, the beneficiary, and the person who has the right of claim under an insurance policy, as the case may be;

“Board of Directors” means a Company’s Board of Directors under the law on non-life insurance, and shall include the executive board of a foreign non-life insurance company’s branch that has been granted a license to operate its non-life insurance business in the Kingdom of Thailand under the law on non-life insurance, where the branch manager also acts as a director.

“Executive” means the manager, the first four persons holding executive positions beneath the manager, and every person holding an executive position equivalent to the fourth executive;

“Manager” means any person who is delegated by a Company’s Board of Directors to have the highest responsibility in the management of the Company, regardless of the terminology of such person’s position;

“Advertising” means any action by any means for the public to view or be informed of statements in the interest of the Offering-for-sale of Insurance Policies;

“Advertising Media” means any medium used for advertising, such as, newspapers, printed materials, radio broadcasting, television broadcasting, mail, signboards, or electronic media, etc.

## Chapter 1

### General Provisions

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Clause 5 A Company and an Offeror must undertake any act or omission in accordance with the criteria, procedures, and conditions prescribed in this Notification.

Clause 6 The Office is empowered to prescribe a guideline in the interest of ensuring compliance with this Notification. In this regard, a Company’s and an Offeror’s due compliance with the guideline shall be deemed due compliance with the relevant provisions of this Notification.

## Chapter 2

### Company

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Clause 7 A Company must maintain an effective operating system for the control of the quality of the sale of Insurance Policies, provide services with fairness throughout the

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entire process, comprising namely the development and issuance of Insurance Policies, the management, supervision, control, monitoring, auditing, and evaluation of the Offering -for-sale of Insurance Policies , in accordance with the specified criteria, procedure, and conditions. The operating system must also be approved by the Company's Board of Directors.

In the case of the Company's failure to ensure any Offeror's due compliance with the criteria, procedure, and conditions prescribed in this Notification, which leads actual or potential damage being incurred to a Customer, the Company shall promptly suspend its consent for the Offeror, who has caused such actual or potential damage to the Customer, for the purpose of any relevant Sales Offering of the Company's Insurance Policies, and shall record such data for further submission to the Office upon request.

## Part 1

### Organizational Culture and Roles of a Board of Directors and Executives

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Clause 8 A Company must focus on cultivating a culture of treating its Customers fairly as an integral part of its business operations, as well as its employees' and the Offerors' performance, through making the following arrangements, at a minimum:

(1) Holding its Board of Directors and Executives responsible for driving the culture of treating its Customers fairly into a substantive and effective form, by establishing a written policy, business plan and strategy, with emphasis on cultivating and transmitting the culture of treating its Customers fairly, as well as communicating and transmitting such culture of treating its Customers fairly, as well as communicating and transmitting such culture of treating its Customers fairly to every unit and personnel that are involved in the provision of services to Customers, which include the Offerors in every channel of the Offering-for-sale of the Company's Insurance Policies.

In establishing the Company's policy, business plan, and strategy, the followings must be taken into consideration: the rates of wages or commissions payable by the Company to the Offerors at every channel of the Offering-for-sale, the quality of significant service at every level of the Offering-for-sale, and individual's or group's Key Performance Indicator (KPI), including the measures for warning and disciplinary action in all systems for managing provision of fair services, as well as Executives who are tasked with strict enforcement of such measures and any disciplinary action to be taken in proportion to the severity of the offense.

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(2) Requiring its Board of Directors to designate person(s) to be tasked with responsibilities for ensuring a substantive and effective form of fair treatment for Customers. Such person(s) must be Executive(s), or a working group chaired by an Executive, for the purpose of controlling, and supervising the quality of such fair services provision in a systematically, directionally and timely manner, capably evaluating the business's complete overview and risks, capably measuring success, analyzing problematic points, and resolving issues promptly and efficiently.

(3) Maintaining personnel with readiness in terms of number and quality, in conformity with its business volume and quality performance of duties, as well as persons being held responsible for supervising, controlling, and monitoring such personnel's performance of duties as well as development of their knowledge and capability continually and in a timely fashion.

(4) Ensuring management of risks associated with the conduct of business in every activity of Customers service provision, with due regard to treating Customers fairly in identifying such risks, whether general Customers, or Customers for whom the Offerors must exercise extra-precaution in making contacts and providing services, such as seniors of sixty years of age or above, persons with limited financial knowledge or no experience in the use of Insurance Policies, persons with limitation in communicating or decision-making, hearing-impaired or vision-impaired persons, or any health-impaired persons with no ability to understand Insurance Policies, by making the following activities at a minimum:

(a) An activity of specifying forms, statements, and development of Insurance Policies, as well as fixing the rates of insurance premiums;

(b) An activity of advertising, issuing, and Offering -for-sale of Insurance Policies and providing information on the Offerors

(c) An activity of acquiring, retaining and protecting the Customer's personal data;

(d) An activity of providing Customer with services;

(e) An activity of handling claims and payments of benefits under Insurance Policies;

(f) An activity of handling of grievances in relation to Insurance Policies.

In this regard, the management of risks associated with its business operations shall form an integral part of the Company's risk management, and the Notification of the Insurance Commission regarding the Criteria, Procedures, and Conditions for a Non-life Insurance

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Company's Supervision of Enterprise-wide Risk Management, and Assessment of Risks and Financial Stability shall apply *mutatis mutandis*.

(5) Establishing a system for monitoring, auditing, and internal control in accordance with the Notification of the Insurance Commission regarding the Criteria, Procedure, and Conditions for Non-life Insurance Companies' Receiving and Making Payments, Auditing, and Internal Control and ensuring that the auditing and the internal control are linked its business operations risks pursuant to (4) of this Clause 8.

In this regard, in monitoring and controlling the potential risks from the Offering -for-sale of Insurance Policies pursuant to paragraph (4) (b), the Company shall arrange for periodic monitoring, control, and auditing of quality, at least once a year, with emphasis on auditing specified business operation risks to determine whether the operation is in accordance with the specified procedures, steps, and criteria as well as auditing indicators of irregularities pursuant to a specified description of events indicating possibilities of threatening risk. In addition, the Company shall prepare a report on assessment of quality and risk associated with the sales process at every channel for submission to its Board of Directors and Executives for their acknowledgement and consideration in initiating any improvement of the operational system and process for the purpose of reducing and preventing any risks associated with the business operation.

## Part 2

### Issuing of Insurance Policies

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Clause 9 In specifying a form, statement, and development of Insurance Policies, as well as fixing insurance premium rates, a Company must pursue a process of developing and selecting Insurance Policies and fixing insurance premium rates in relation to the Offering-for-sale, with management thereof in the best interest of Customers, and consideration of the following matters at a minimum:

(1) Suitability for the target Customers' needs, their financial capability and comprehension ability;

(2) Suitability of conditions and benefits, rates of insurance premiums or fees which are fairly fixed without taking advantage of Customers, nor colluding with other service providers in setting conditions, benefits, rates of insurance premiums or fees, for the purpose of placing Customers in an unfavorable position; provided that Customers must be able to

easily assess and compare the conditions, benefits, rates of insurance premiums or fees, as well as the value of Insurance Policies or services;

(3) Suitability of the channels for the Offering-for-sale, particularly the Offering-for-sale of Insurance Policies that are complicated and must be clearly and discretely communicated, to ensure that the Customers' receipt of accurate and sufficient information for decision-making;

(4) The Customers' ability to comprehend the Insurance Policies, and the Offerors' provision of information and advice;

(5) Guidelines and a plan for communicating insurance policy information and the operating procedure, to enable an accurate and complete presentation of Insurance Policies by the Offerors, or through the existing channels for the Offering-for-sale;

(6) The operating system, sales process, control, supervision, and audit that accommodates the Offering-for-sale of Insurance Policies must be both efficient and of quality;

(7) The causes of problems of Insurance Policies and the provision of services in the past, so that the quality of Insurance Policies will be developed and improved.

Clause 10 In considering the arrangements to be made pursuant to Clause 9, a Company must engage responsible persons from the relevant units, such as the legal department, the underwriting department, the risk management department, the regulatory compliance department, the operations department, and the sales department, and must ensure that information supporting the consideration is complete, and that all responsible Executives' discussions and approval are duly recorded.

Clause 11 A Company must specify the method for grouping or classifying Insurance Policies according to their complexity, risks, or other factors, for the purpose of identifying different Customer groups appropriate or inappropriate for necessary use of certain approaches in the Sales Offerings, communications, educating the Offerors, controlling and auditing the performance of the Offering-for-sales which are varied by different Customer groups.

Clause 12 When a Company agrees to underwrite any Customer, the Company shall deliver to the insured an insurance policy, documentation on coverage summary and exclusions under the insurance policy, which must contain statements that accurately correspond with the insurance contract. In this regard, the Registrar may prescribe or grant approval of different procedures in delivering Insurance Policies, documentation on coverage

summary, and exclusions under Insurance Policies which are varied by different types of Insurance Policies.

### Chapter 3

#### Offerors

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#### Part 1

#### Channels and Criteria for the Offering-for-sale of Insurance Policies

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Clause 13 The channels for the Sales Offering of insurance Insurance policies Policies for Sale are as follows:

- (1) Offering-for-sale of Insurance Policies through meetings with a Company's staff members or employees, a Non-life Insurance Agent, or a Non-life Insurance Broker;
- (2) Offering-for-sale of Insurance Policies through Banks;
- (3) Offering-for-sale of Insurance Policies through telephone calls;
- (4) Offering-for-sale of Insurance Policies through via mail;
- (5) Offering-for-sale of Insurance Policies through via electronic means;
- (6) Offering-for-sale of Insurance Policies through by methods other than (1), (2), (3), (4), and (5).

The Offering-for-sale of Insurance Policies through via electronic means pursuant to Clause 13 (5) shall comply with this Notification and the Notification of the Insurance Commission regarding criteria and procedure for issuing Insurance Policies, Insurance Policies sales offering, and making payments of compensation under non-life insurance contracts, via electronic means.

Clause 14 An Offeror must undertake the following acts at a minimum:

- (1) studying details of Insurance Policies thoroughly for true comprehension before making a Sales Offering, and ensuring that the Insurance Policies Sales Offering so made are suitable to Customers' objectives, risk appetite, and ability to make insurance premium payments;
- (2) explaining the principle of fact disclosure as set forth in the insurance application, and any consequences of the Customer's false statements or concealment of any material facts;



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(3) clearly indicating a particular Company to which the Insurance Policies under the Sales Offering belong;

(4) refrain from conducting any act disturbing or causing nuisance to the Customers;

(5) managing any conflict of interest to ensure that the Customers receive accurate and sufficient information in making a decision to conclude insurance contracts;

(6) ensuring that all Sales Offering's supporting documents are approved only by a Company, and handed over to the Customers if they are referred to by an Offeror during the Sales Offering. Such 'Sales Offering's supporting documents' shall mean to include documents referred to in an Offering-for-sale of individual insurance policy;

If it is necessary for Non-life Insurance Brokers or Banks to make an Offering-for-sale of individual insurance policy by presenting a comparison of information on various Companies' Insurance Policies conditions, coverages, and exclusions, as well as their insurance premiums, such information must be based on information or Offering-for-sale's supporting documents approved by those Companies; and

(7) giving all necessary information relating to the making of insurance premium payments.

Clause 15 An Offeror must refrain from undertaking the following acts at a minimum:

(1) inducing an insured to cancel an existing insurance policy in order to purchase a new insurance policy;

(2) giving false statements, concealing facts, or distorting information that should be clearly given, with a view to enticing a Customer to enter into an insurance contract with a Company;

(3) giving any advice that may cause misunderstanding, or omitting to disclose material information that could cause a Customer's misunderstanding;

(4) forcing a Customer to enter into an insurance contract, or using a conclusion of insurance contract as a condition precedent to providing other services or concluding other transactions, except in the case where an insurance contract is intended for a direct protection against risks in providing such services, or to conduct such transactions directly.

Part 2

Offering-for-sale of Insurance Policies through Meetings with a Company's Staff Members or Employees, Non-life Insurance Agents, or Non-life Insurance Brokers

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Clause 16 An Offering-for-sale of Insurance Policies through meetings with a Company's Staff Members or Employees, Non-life Insurance Agents, or Non-life Insurance Brokers is permissible; provided that the Company's staff members or employees, Non-life Insurance Agents, or Non-life Insurance Brokers must undertake the following acts at a minimum:

- (1) providing Information and evidence verifying an Offeror's identity and ability to act for and on behalf of the Company in the Offering-for-sale;
- (2) notifying the purpose of contacting the Customers and providing accurate and complete information relating to the Insurance Policies intended in the Sales Offering;
- (3) providing advice, facilitation, and reasonable assistance in filling out a Customer's insurance application;
- (4) providing a Customer with documentation of receipt of money when receiving payment of insurance premium made by the Customer, and having presented a power of attorney granted by a Company authorizing the receipt of insurance premiums payment, except in the case where the Customers makes such insurance premium payment to the insurer Company's bank account;
- (5) notifying the rights to cancel Insurance Policies, and timing to receive Insurance Policies or any contacts about the Insurance Policies from the Company.

Clause 17 If, due to certain necessity, a usual Offering-for-sale of Insurance Policies through meetings with a Company's Staff Members or Employees, Non-life Insurance Agents, or Non-life Insurance Brokers pursuant to Clause 16 above, is unfeasible, the Insurance Policies Sales Offering may be conducted by communication through electronic devices carrying voice, or voice and images of the intended Sales Offering of Insurance Policies; provided that a target Customer's consent is obtained and a Company or an Offeror undertakes the following acts at a minimum:

- (1) ensuring readiness of the following systems or processes at a minimum:
  - (a) Recording and storing of conversations;
  - (b) Acquisition, retention, and protection of Customer data in due compliance with the law;
  - (c) Auditing of sales quality and appropriate risk management;

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(d) An information system that is stable and secured in due compliance with the law;

(e) A business continuity plan.

(2) securing evidence of the Offering-for-sale of Insurance Policies made to the Customers throughout the period of insurance;

(3) providing a Customer with the Company's documentation of receipts of payments when insurance premiums payment is made by the Customer;

(4) obtaining a Customer's confirmation of concluding an insurance contract, and if the Customer does not wish to conclude such contract, making a refund of the insurance premium to the Customer on the first possible occasion.

### Part 3

#### Insurance Policies Sales Offering via Banks

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Clause 18 An Offering-for-sale of Insurance Policies via Banks shall be carried out through a Bank's staff members or employees, who are Non-life Insurance Brokers, acting for and on behalf of the Bank in due compliance with the criteria set forth in Clause 16, Clause 17, Clause 18, and Clause 19 above, and undertaking the following acts at a minimum:

(1) ensuring that an office space is specifically assigned for conducting an Offering-for-sale of Insurance Policies, setting apart areas for deposit activities and insurance activities, and clearly identifying to Customers that the area is also used for conducting the Offering-for-sale of Insurance Policies if such assigned office space may be shared for providing other financial transaction services;

(2) exhibiting copies of a Bank's non-life insurance brokerage license in the category of juristic person and an Offeror's non-life insurance brokerage license, in a clear and visible public area;

(3) demonstrating an intended Offering-for-sale of Insurance Policies clearly by explaining the difference between non-life insurance and the depositing of funds with Banks prior to making each Sales Offering;

(4) ensuring that all Sales Offering's supporting documents and prospectuses are approved by a Company and bear the Company's name and logo clearly and visibly, and contain a statement indicating that the Bank is a Non-life Insurance Broker;

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(5) keeping a Customer informed if any product or transaction offered by a Bank is inclusive of insurance coverage, and notifying the Customer of the name of the insurer Company of such insurance coverage, which may be purchased at the Customer's rightful choice and declined if it does not meet his/her requirements.

Clause 19 With a Customer's consent, a Bank is eligible to provide services off-premises, through its staff members or employees who are also Non-life Insurance Brokers, acting for and on behalf of the Bank, in due compliance with the criteria, procedures, and conditions in the guideline prescribed by the Office.

#### Part 4

#### Insurance Policies Sales Offering via Telesales

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Clause 20 An Offering-for-sale of Insurance Policies via Telesales shall be carried out by an Offeror having obtained a Company's permission to make Sales Offering of its Insurance Policies.

An Offeror belonging to a juristic person holding a non-life insurance brokerage license or a Bank, must be a staff member or employee who is a holder of non-life insurance brokerage license, acting on behalf of such juristic person holding a non-life insurance brokerage license. In this regard, a Company must inform the Office of the names of all Offerors as described in Clause 20 Paragraph One, within seven days from the date on which such permission is granted by the Company.

Clause 21 Each intended insurance policy under an Offering-for-sale via Telesales must be first approved by the Registrar for its Sales Offering via Telesales.

In this regard, those Insurance Policies must specify the conditions and rights of cancelling Insurance Policies (Free Look Period) for a period of 30 days or more, with the exception of road accident victim protection Insurance Policies, motor Insurance Policies, motor Insurance Policies inclusive of road accident victim protection, and homeowner fire Insurance Policies (microinsurance), or any other Insurance Policies as prescribed and notified by the Registrar.

Clause 22 An Offeror must ensure preparedness with respect to the following systems or processes at a minimum:

- (1) Recording and storing of conversations;

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- (2) Maintenance of a 'do not call' list;
- (3) Acquisition, retention, and protection of Customer data in due compliance with the law;
- (4) Auditing of sales quality and appropriate risk management;
- (5) An information system that is stable and secured in accordance with the law;
- (6) A business continuity plan.

Clause 23 In making an Offering-for-sale of Insurance Policies via Telesales, an Offeror must undertake the following acts at a minimum:

- (1) making an Offering-for-sale of Insurance Policies only on the dates and times that are appropriate or allowed by Customers;
- (2) providing accurate and complete information for verification of the Offeror's identity;
- (3) keeping record of telephone conversations as evidence, unless permission of such is not granted by Customers;
- (4) informing the Customers of any essential act to be undertaken and the period thereof after an underwriting is agreed to;
- (5) obtaining a Customer's confirmation of concluding an insurance contract, and if the customer does not wish to conclude such contract, making a refund of the insurance premium on the first possible occasion.

#### Part 5

##### Offering-for-sale of Insurance Policies via Mail

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Clause 24 The Offering-for-sale of Insurance Policies via Mail shall be carried out by an Offeror having obtained a Company's permission to make the Offering-for-sale of its Insurance Policies via mail.

#### Part 6

##### Offering-for-sale of Insurance Policies by Other Methods under Clause 13 (6)

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Clause 25 An Offering-for-sale of Insurance Policies by other methods under Clause 13 (6) must first obtain the Registrar's permission which may be granted under certain conditions, periods of time, and procedures prescribed by the Registrar.

## Chapter 4

### Collection, Retention, and Remittance of Insurance Premiums

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Clause 26 In conducting an Offering-for-sale of Insurance Policies through meetings with a Company's staff members or employees, Non-life Insurance Agents, or Non-life Insurance Brokers, an Offeror shall deliver relevant insurance applications, together with the insurance premiums received from the customers to the Company on the first possible occasion, but no later than the following business day.

Clause 27 In relation to the following Offering-for-sale of Insurance Policies, the Customers shall be instructed to make payment of insurance premiums to an insurer Company's bank account only:

(1) An Offering-for-sale of Insurance Policies through meetings with a Company's staff members or employees, Non-life Insurance Agents, or Non-life Insurance Brokers, whereby an Offeror is granted a license to operate a payment acceptance service business under the law on the payment system, or applies the method of communication via electronic devices carrying voice, or voice and images of the intended Sales Offering of Insurance Policies;

- (2) The Offering-for-sale of Insurance Policies via Banks;
- (3) The Offering-for-sale of Insurance Policies via Telesales;
- (4) The Offering-for-sale of Insurance Policies via Mail;
- (5) The Offering-for-sale of Insurance Policies via Electronic Means.

## Chapter 5

### Disclosure of Information

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Clause 28 An Offeror must disclose all information relating to an intended Offering-for-sale, relevant insurance Company, and details of an intended insurance policy, to support a Customer's decision-making process, through a presentation of accurate, clear, uninflated, and undistorted information on the insurance policy in full, comprising relevant conditions, benefits, and any exclusions.

Clause 29 A juristic person holding a non-life insurance brokerage license and a Bank must disclose its Offerors' information to facilitate a Customer's examination of an Offeror

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who is acting on behalf of such juristic person holder of a non-life insurance brokerage license or Bank, and must keep such information up-to-date at all times.

Clause 30 A Company must disclose its Offerors' information to facilitate a Customer's examination of an Offeror who is permitted by the Company to make the Offering-for-sale of its Insurance Policies, and must keep such information up-to-date at all times.

## Chapter 6

### Advertising

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Clause 31 For placing Advertising in various media, a Company and an Offeror must act, or omit to act, in accordance with the following criteria and conditions:

- (1) Advertising statements must neither be false nor exaggerated;
- (2) Advertising statements must be clear, concise, and unambiguous;
- (3) Advertising statements must not misrepresent any material elements of Insurance Policies, or payments under relevant insurance contracts;
- (4) A warning for Customers to do a comprehensive study of an insurance policy's details before a decision to conclude an insurance contract is made, must be included.

Clause 32 Advertising placed by Non-life Insurance Brokers and Banks shall not lead an insured to understand that Non-life Insurance Brokers and Banks are the insurers, and shall clearly indicate the particular Company to which the proposed Insurance Policies belong.

Clause 33 If any Advertising or Insurance Policies Sales Offering contains any statement, advice, or act that may cause any misunderstanding or ambiguity, the Office is empowered to instruct relevant Company and Offeror to correct or revise such information or details in that particular Advertising or Offering-for-sale of Insurance Policies.

## Chapter 7

### Acquisition, Retention, and Protection of Customer Data

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Clause 34 An Offeror must inform a Customer of how data relating to the Customer is acquired, should the Customer wishes to know about such acquisition.

Clause 35 A Company and an Offeror must maintain a system or process for the management of the acquisition, retention, and protection of Customer data, in due compliance with the law on the protection of personal data.

## Chapter 8

### Services after the Offering-for-sale of Insurance Policies

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Clause 36 A Company shall maintain an operating system, a process, or channels for taking complaints, surrendering Insurance Policies, cancelling Insurance Policies, or appropriately refunding insurance premiums, with the Offerors being tasked to provide services and appropriately monitor required coordination for the purpose of attending to and facilitating Customers. In this regard, payments shall be made in accordance with the Notification of the Insurance Commission on the criteria, procedures, and conditions for life insurance companies' payments under life insurance contracts.

## Chapter 9

### Violation or Non-compliance of this Notification

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Clause 37 In the case of a Company's violation of or non-compliance with the criteria, procedures, and conditions under this Notification, the Office is empowered to proceed as follows:

- (1) issuing an order commanding the Company to restore its compliance with this Notification within a period specified by the Office;
- (2) issuing an order commanding the Company to pursue any act or omission, if it appears that the Company has failed to pursue the restoration as required under (1) without justifiable reason, or has deliberately committed a violation of or non-compliance with this Notification.

Clause 38 In the case a Non-life Insurance Agent's, Non-life Insurance Broker's, or a Bank's violation of or non-compliance with the criteria, procedures, and conditions prescribed by this Notification, the Registrar is empowered to issue an order commanding the Non-life Insurance Agent, Non-life Insurance Broker, or Bank, to undertake any act, omission or rectification of such non-compliance within a period specified by the Registrar.

If any Non-life Insurance Agent, Non-life Insurance Broker, or Bank fails to act or rectify such non-compliance as so commanded within the period specified by the Registrar pursuant to Paragraph One, the Registrar is empowered to suspend the non-life insurance agency license, or the non-life insurance brokerage license being held by such failing party until such



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non-compliance is rectified. When it appears that the failing Non-life Insurance Agent, Non-life Insurance Broker, or Bank has rectified such non-compliance, the Registrar shall revoke the order suspending the license.

The Non-life Insurance Agent, Non-life Insurance Broker, or Bank, being subject to license suspension, must cease to operate as a Non-life Insurance Agent or Non-life Insurance Broker during the license suspension.

In addition to the proceedings as described in Paragraph One, in case of any violation of or non-compliance with the criteria, procedures, and conditions prescribed by this Notification, or any violation of or non-compliance with an order of the Office issued pursuant to Paragraph One, the Registrar is also empowered to revoke the relevant non-life insurance agency license or non-life insurance brokerage license.

Clause 39 In the case where any person's violation of or non-compliance with the criteria, procedures, and conditions prescribed in this Notification constitutes a punishable offense, the Office shall take actions against the violating or non-complying person in accordance with the law on non-life insurance.

Notified on this 31<sup>st</sup> day of July B.E.2563 (2020).

Prasong Poontaneat

Permanent Secretary, Ministry of Finance

Chairman of the Insurance Commission