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NEW ZEALAND BUSINESS NUMBER

Discussion Document

NZBN Primary Business Data change proposals



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A message from Hon Stuart Nash

MINISTER FOR SMALL BUSINESS

I've recently had the New Zealand Business Number (NZBN) added to my portfolio responsibilities. It's my very strong view that effective and timely implementation of the NZBN is a critically important component of the government priority to drive productivity increases across all sectors of the economy.

I know about the good progress being made with adoption and implementation of the NZBN. However, I'm also aware that much remains to be done and some changes are needed to smooth the implementation path and encourage wider adoption and use of the NZBN.

I'll be working closely with my Ministerial colleagues to ensure that we maintain the focus and momentum across government necessary to realise opportunities the NZBN creates for all New Zealand businesses. The primary focus must be on meeting the needs of our business customers, including the many thousands of smaller businesses who play such an important role in our economy.

Anything that stands in the way of optimising uptake of the NZBN needs to be rectified. This is my bottom line and major priority – and something I'll be monitoring very closely.

Businesses can use the NZBN to save time and money by no longer having to update their information multiple times, in a variety of ways – because, when dealing with government agencies and other businesses, the information can be accessed directly from the NZBN Register.

By making it easier to share information, over time, the NZBN will offer other benefits, including:

- > **Confidence:** Having an NZBN shows that a business is real and tangible. Having access to up-to-date information offers you more certainty about the businesses you work with.
- > **Efficiency and streamlining:** Better procurement processes including tendering and purchaser/supplier relationship management. Finance transactions will be smoother, as new ways to invoice customers, pay bills and apply for credit will be enabled.

Used to its full potential, the NZBN is an asset that has the power to transform the way business is done in New Zealand and internationally. It's, therefore, vital that the information on the NZBN Register is useful and accessible; while maintaining necessary privacy protections for individuals.

Stakeholders have been quick to identify issues with information currently associated with the NZBN and what improvements could be made. I'm pleased that a substantial suite of change proposals has been developed in response to stakeholder suggestions.

I encourage you to carefully consider the Primary Business Data (PBD) change proposals in this document. Your feedback will be invaluable as we strive to realise the full potential of the NZBN and the information on the NZBN Register.

Thank you for your interest and support for this important initiative.

Hon Stuart Nash
Minister for Small Business

Foreword

The NZBN is a globally unique identifier, available to all businesses in New Zealand. Each NZBN links directly to core information about a business on the NZBN Register. This is the information that businesses are most often asked to share – such as business name, phone number, address and website. The New Zealand Business Number Act 2016¹ (the NZBN Act) refers to this core business information as ‘Primary Business Data’ (PBD).

Since the commencement of NZBN implementation in 2016 we’ve received extensive feedback from government agencies and private businesses about the usability and usefulness of the NZBN and the core business information on the NZBN Register. The consistent nature of the feedback has identified opportunities for improvement and clarification and confirmed a need to progress changes to the NZBN Register and associated PBD.

The changes proposed in this discussion document respond directly to stakeholder suggestions about how to:

- > clarify and add to existing PBD items to improve the value of PBD and to help avoid misinterpretation or misuse of the PBD
- > use PBD to increase business transparency and, over time, increase trust in the accuracy and reliability of PBD
- > improve opportunities to detect fraud and other serious criminal activity
- > remove PBD items that aren’t useful and don’t contribute substantially to achieving the purposes of the NZBN Act.

Consistent with stakeholder feedback, other drivers of the PBD change proposals in this discussion document include:

- > an increasing focus on business-to-business transactions as well as government-to-business transactions, which has signalled a likely increase in demand for additional PBD items
- > frustrations expressed about the limited public PBD for unincorporated entities, such as sole traders – particularly because, currently, such entities can have an NZBN and keep both their legal name and trading name private on the Register
- > an opportunity to further progress with mutual recognition of business identifiers, as part of the Single Economic Market Agenda with Australia².

If the proposed changes proceed as suggested in this document, the overall number of PBD items would reduce slightly, but, we believe the changes would substantially improve the value of the PBD dataset to NZBN entities³ and the other agencies and businesses that access and use the PBD.

We're pleased to invite submissions from all interested parties on the PBD change proposals. We encourage you to review each of the proposals and to make a submission indicating your support, or opposition, and/or any refinement or alternative you might wish to suggest.

Please note that the issue of sub-entities, different business locations or relationships *isn't* being addressed in this PBD review. We're addressing that issue in a separate initiative called 'Linking Multiple Business Identifiers' (the Linking initiative). After conducting interviews and holding two co-design workshops in November last year, the Linking initiative is seeking to solve the two basic problems of:

- > creating and linking identifiers for operating entities within a legal entity; and
- > linking existing standard identifiers to both legal and operating entities.

The Linking initiative will shortly test current thinking with public and private sector organisations to iterate and validate the solution. This will enable us to then begin the next phase of solution design to ensure that an expansion of the NZBN framework can work in practical ways for all types of New Zealand businesses and be seen and used as a true business asset.

The following section of this document explains how to have your say on the proposed PBD changes before the **deadline for submissions – 20 June 2018**. After analysing the submissions and reporting to Ministers, and subject to Ministerial agreement, our aim would be to complete the change process before the end of 2018.

Thank you very much for your consideration and for any submission you choose to make. We look forward to hearing from you and to reviewing the submissions we receive.

Ross van der Schyff
NZBN Registrar

Joanne Hogan
NZBN Director

¹ <http://www.legislation.govt.nz/act/public/2016/0016/latest/DLM6431505.html?src=qs>

² Appendix 2 to this document is a comparison of NZBN PBD and Australian Business Register data.

³ Where we use the term 'NZBN entity' in this document that means an entity that is registered in the NZBN Register.

Summary of change proposals and their significance

As there are more than 60 specific changes proposed and 11 other consultation questions, we appreciate that you might wish to focus your attention on areas of greatest interest to you.

This summary should enable you to quickly understand what the overall outcome of the proposals could be. We also highlight the proposals we consider to be most significant and indicate where more details about those proposals can be located in this document.

The two tables below show the outcome if all the change proposals in this document were made.

PBD items for all types of NZBN entities: Required and would be public on the NZBN Register

Primary business data item	Purpose of the item
Legal entity name	To enable the NZBN entity to be identified by its official (proper, legal) name
Trading name or names	To enable the NZBN entity to be identified by any other names it uses for business purposes
Trading area(s)	To identify the geographic areas where the NZBN entity routinely conducts, or is available to conduct, its business activities in New Zealand
NZBN	To identify the NZBN allocated by the NZBN Registrar to the NZBN entity
Kind of entity	To identify the kind of entity in terms of how different entities are described in this Act
Status	To identify whether NZBN registration is current and any solvency issues
Industry classification	To identify the class(es) of business activity undertaken by the NZBN entity using the New Zealand government business industry classification (BIC) codes
Director(s)	To identify the people who govern the NZBN entity and its finances
Website	To identify the website address(es) of the NZBN entity's public-facing websites (if any) and the primary purpose of each website (if there is more than one)
Owner	To identify the people, or other entities, who own the NZBN entity
Registered address (only relevant to registered companies and limited partnerships)	Where the NZBN entity is a company registered under the Companies Act 1993, or a limited partnership under the Limited Partnerships Act 2008, to record the address of the registered office of the company, or the limited partnership, in New Zealand consistent with the requirements of those Acts

Other PBD for all types of NZBN entities: May be provided voluntarily and kept private

Primary business data item	Purpose of the item
Phone number	To identify the contact phone numbers for the NZBN entity and the primary purpose for each number (if there is more than one)
Email	To identify the email addresses for the NZBN entity and the primary purpose for each email address (if there is more than one)
Postal address	To identify the address the NZBN entity uses to receive physical postal deliveries
Address for service	To identify the NZBN entity's physical address in New Zealand at which writs, summons, notices and other legal documents can be served (as appropriate) on the entity, its management/ employees and/or its Director(s) or Owner(s)
Office address	To identify the address where the NZBN entity's administrative headquarters are located
Delivery address	To identify the primary, physical address at which the NZBN entity wishes to receive physical deliveries of 'goods' and other items that are not postal deliveries
Invoice address	To identify the address the NZBN entity uses to receive deliveries of invoices
GST Number	To identify the NZBN entity's GST number(s), if any
Payment bank account number	To identify the primary bank account the NZBN entity uses to receive payments
Australian Business Number (ABN)	To identify the NZBN entity's ABN (if any)

Apart from adding a purpose description for every PBD item, the difference between what is in the tables above and the current PBD provisions are:

Most significant changes

- > Making the legal entity name, trading name(s), directors, owners and industry classification of unincorporated entities public PBD (see Part 4, proposal numbers 4.1, 4.2, 4.9, 4.11, and 4.18).
- > Removing the start date PBD item (see Part 1, proposal 1.6, and Part 3, proposal 3.3).

We have identified these change proposals as probably the most significant because of the issues they raise about balancing business transparency and efficacy of the NZBN Register with privacy impacts for individuals in business.

As indicated in the discussion, we are also aware that there may be mixed views about the merits of removing the start date item.

Other changes

The following changes are also proposed, but are perhaps less significant as they are largely clarifying refinements and/or changes that stakeholder feedback to date indicates are likely to be seen as sensible, necessary and low risk.

- > Making the directors, owners and industry classification of corporate and public entities public PBD.
- > Making the website public PBD for all types of NZBN entities.
- > Rationalising PBD items by:
 - > removing PBD items – GST status, GST effective date, physical address, principal place of activity, other addresses, Australian company number and Australian service address; and
 - > adding new PBD items – GST number, address for service, office address, delivery address, invoice address and payment bank account.
- > Changing the name of the location identifier PBD item to trading area(s).
- > Clarifying that the registered address PBD item is only relevant to registered companies and limited partnerships.

Review criteria and overall impact assessment

All the proposed changes have been assessed against the review criteria and principle described later in this document and found to be appropriate. As such we expect they will better support the objectives of the NZBN than the current PBD provisions.

As discussed in some detail in the relevant parts of the document, we have concluded that the most significant risks/costs for business would be associated with the most significant changes identified above. Beyond that, there should be little impact on businesses as the overall amount of information an NZBN entity needs to provide remains roughly the same.

That said, we are very keen to receive your feedback to be sure we fully understand the impacts, before finalising recommendations for Ministers.

Submissions

We invite interested parties to make **written submissions** on the PBD change proposals in this discussion document.

How to have your say

You can make your submission using the submission template available at: <http://www.mbie.govt.nz/info-services/business/better-for-business/proposed-changes-to-nzbn-primary-business-data/consultation/submission-template.docx>. Appendix One is a copy of the template.

Submitters can open and save their own copy of that template, make submissions on any of the proposals they wish, and email it to us at pbdreview@nzbn.govt.nz.

We strongly prefer submissions utilising the submission template. If you cannot do that, you may email or write to us. To help with our analysis please clearly indicate which proposal your submission is responding to, by using the proposal numbers. Our email address is pbdreview@nzbn.govt.nz.

The postal address for submissions is:

Joanne Hogan
NZBN Director
NZBN Primary Business Data Review
Ministry of Business, Innovation and Employment
PO Box 1473
Wellington 6140
NEW ZEALAND

The deadline for
submissions is

5.00pm on Wednesday
20 June 2018

Next steps

After the deadline for submissions has passed, we will analyse all submissions. The views expressed in the submissions will be considered when the final proposals are developed and considered by responsible Ministers and Cabinet.

Any PBD changes approved by Cabinet will be made in accordance with section 22 of the New Zealand Business Number Act 2016.

Further information

Website www.nzbn.govt.nz | **Email** pbdreview@nzbn.govt.nz | **Phone** +64 9 913 2940

Official Information Act 1982

Submissions are subject to the Official Information Act 1982 (OIA). Please set out clearly with your submission if you have any objection to any information in the submission being released under the OIA, and which specific information you consider should be withheld, together with the reason(s) for withholding the information.

Grounds for withholding information are outlined in the OIA. Reasons could include that the information is commercially sensitive or that you wish personal information, such as names or contact details, to be withheld. An automatic confidentiality disclaimer from your IT system will not be considered as grounds for withholding information.

We will take your advice on this matter into account when responding to requests under the OIA.

Any personal information you supply in making a submission will be used by MBIE only in conjunction with the matters covered by this document. Please clearly indicate in your submission if you do not wish your name to be included in any summary of submissions that we may publish.

Background

Who can get an NZBN?

An NZBN can only be issued to an entity that is in business in New Zealand.⁴ You're 'in business' if you acquire or supply goods or services, or acquire or dispose of land (but not if you do this as a consumer, employee, or as an individual member of an unincorporated entity). A business can be non-profit and can also be carried on free-of-charge.⁵

The NZBN Act describes the PBD that must be provided by NZBN entities and made public on the NZBN Register ('public PBD'). The NZBN Act also describes additional PBD that may be kept on the Register as either private or public ('other PBD'). Schedules 3 and 4 of the NZBN Act deal with this public PBD and other PBD respectively. Currently, there are different PBD requirements for 'corporate and public entities' and 'unincorporated entities', as set out in Parts 1 and 2 of those two Schedules.

Corporate and public entities are any entities already on a public register listed in Schedule 2 of the NZBN Act,⁶ a government agency,⁷ any other body corporate or a corporation sole,⁸ and any other entity declared by regulations to be a corporate or public entity for the purposes of the Act.

Unincorporated entities are any other entities in business in New Zealand. Examples are a sole trader, a partnership, a trustee and an unincorporated community group.

The following points, which are *not* an exhaustive list, illustrate the variety of corporate, public and unincorporated legal entities eligible for an NZBN and the *approximate* numbers of such entities in business in New Zealand.



⁴ Section 5 of the NZBN Act defines the term 'entity' and section 29 of the Interpretation Act 1999 defines New Zealand as including the islands and territories within the Realm of New Zealand; but not including the self-governing State of the Cook Islands, the self-governing State of Niue, Tokelau, or the Ross Dependency.

⁵ For example, a business would include a food bank operated by unpaid volunteers who collect and provide donated goods to the needy at no cost, with all expenses (such as rent and electricity) being funded by charitable donations.

⁶ Public registers listed in Schedule 2 relate to building societies, charitable trusts, registered New Zealand and overseas companies and limited partnerships, friendly societies and their branches, credit unions, incorporated societies and their branches, and industrial and provident societies.

⁷ Government agencies include Crown entities (including school boards of trustees), government departments, the Defence Force, Police, Parliamentary Counsel Office, Office of the Clerk of the House of Representatives and the Parliamentary Service

⁸ Regional and territorial authorities (Councils) are one example of such bodies corporate.

How does the NZBN Register work?

The status and operation of the NZBN Register

The NZBN Register has its own separate legal status. As many of the entities eligible for an NZBN are on existing public registers (see Schedule 2 of the NZBN Act), their NZBN registration is automatic and the information on the NZBN Register about corporate and public entities is drawn from those other public registers. If a change is made in a source register that is relevant to NZBN PBD, the NZBN Register is updated at the same time. Corporate and public entities can choose to provide some, or all, of the other PBD specified in Part 1 of Schedule 4 and can elect to make some or all their other PBD public on the NZBN Register.

The NZBN Registrar also collects and maintains PBD on the NZBN Register for public sector entities that are not on an existing public register. This information is collected either directly from the entity, from information published by the entity (e.g. on the entity's website), or from another authoritative source (e.g. from the Ministry of Education for school Boards of Trustees).

Unincorporated entities can apply for NZBN registration and, as part of their application, must provide the public PBD specified in Part 2 of Schedule 3 (which are currently much less than that required for corporate and public entities). Unincorporated entities can also choose to provide some, or all, of the other PBD specified in Part 2 of Schedule 4 and can elect to make some or all their other PBD public on the NZBN Register.

To enable ready access, consumption and updating of PBD on the NZBN Register directly from one system to another, a suite of application programme interfaces (APIs) are available to government agencies and businesses.¹⁰

While the NZBN Register and associated APIs are up and running, some PBD items are not a perfect match for items in the source registers for corporate and public entities and a few PBD items also remain to be populated. Several change proposals in this document will help us to better align the 'mapping' between the source registers and the NZBN Register; fill the information gaps and enable more real time updates to PBD through the NZBN website (i.e. as well as through the source register).

Current public PBD requirements

The tables on the following pages show the PBD that must, currently, be provided by NZBN entities and made public on the NZBN Register. To further illustrate how the NZBN Register works, we have populated the tables with example information for fictional businesses.

Public PBD currently required for corporate and public NZBN entities

This is the information currently referred to in Part 1 of Schedule 3 of the NZBN Act.

The fictional business in this example is a family-owned and operated wine-making company, incorporated in 1998. The company registered for GST in 2003 and commenced trading in 2005.

In 2018, it has vineyards in Central Otago, Marlborough and Hawke's Bay, administrative headquarters in Blenheim, and a national sales and marketing team in Auckland.

PBD that must currently be public on the NZBN Register	Example information for a fictional business	Explanatory notes
Legal entity name	Gorgeous Grapes Limited	
Trading name or names	GoGo Fine Wines	<i>The marketing name and GoGo is the brand name used on the company's products</i>
Registered address	274 Plinth Avenue, Springlands, Blenheim, 7241, New Zealand	<i>The address where the company records are kept.</i>

⁹ Sole traders, partnerships and trustees who are not GST registered can also get an NZBN, but we do not have accurate numbers for these entities.

¹⁰ For example, see <https://api.business.govt.nz/api/apis/list?tag=NZBN-group>

PBD that must currently be public on the NZBN Register	Example information for a fictional business	Explanatory notes
Location identifier	All of New Zealand	<i>Chosen to reflect diverse operational locations and the national sales and product distribution approach</i>
NZBN	9412312341234	<i>A fictional NZBN for this example</i>
Start date	1 April 1998	<i>The date of incorporation</i>
Kind of entity	NZ Limited Company	
Status	Registered	

Public PBD required for unincorporated entities

This is the information currently referred to in Part 2 of Schedule 3 of the NZBN Act.

The fictional business in this example is a sole trader, residential builder who specialises in small repair and renovation jobs.

She is based at home in Johnsonville, Wellington and advertises her availability to work in the Wellington, Manawatu-Whanganui and Hawkes Bay regions.

She was previously an employee of a large company, but left that company to set up her own business in May 2017. She secured her first small job as a sole trader in January 2018.

She has other commitments which mean she will not be working full time. As she does not expect to earn more than \$60,000 in her first year of trading, she has not registered for GST yet.

PBD that must currently be public on the NZBN Register	Example information for a fictional business	Explanatory notes
Location identifier	Wellington	<i>Chosen by the builder to reflect her preference to work close to her Wellington home base</i>
NZBN	9412312341235	<i>A fictional NZBN for this example</i>
Start date	15 May 2017	<i>Chosen by the builder as it is the date she finished her employment and started setting up her own business</i>
Kind of entity	Sole Trader	
Status	Registered	

Current other PBD requirements

The tables below show the other PBD that the NZBN Act currently allows to be included on the NZBN Register, but are not required to be included.

Other PBD for corporate and public entities that may be added to the NZBN Register

This is the information currently referred to in Part 1 of Schedule 4 of the NZBN Act. The NZBN Registrar may require some, but not all, of this information to be provided as part of the NZBN registration application process. However, none of this other PBD for corporate and public entities will be public on the NZBN Register unless the NZBN entity elects to make it public.¹¹ The example information in the table relates to our fictional company 'Gorgeous Grapes Limited'.

Other PBD that may be on the NZBN Register, but remains private until the NZBN entity elects to make it public	Example information for a fictional business	Explanatory notes
Industry classification	C121450	<i>This is the correct business industry code (BIC) for a business growing their own grapes and making wine using these grapes (integrated vineyard and winery)</i>
GST status	Registered	
GST effective date	1 April 2004	<i>The effective date the company selected when it registered for GST in 2003</i>
Postal address	PO Box 12-123, Springblock, Blenheim 7241	<i>Fictional example. Chosen by the company as it is the address used by its administrative headquarters and Managing Director.</i>
Physical address	47 Gorgeous Grove, Blenheim 7201	<i>Fictional example. Chosen by the company as it is the address of its administrative headquarters.</i>
Principal place of activity	1234 State Highway 123, Renwick	<i>Fictional example. Chosen by the company as it is the location of the company's largest vineyard, winemaking facility and cellar door.</i>
Director(s)	Kelly Jo Humaine Kylie Jane Humaine Kurt Robert Humaine Alfred Marcus Clout	<i>Fictional names for this example. Three family members who are also owners (see below) and two independent company directors.</i> <i>Note: Owners do not have to be Directors. In this case, some of the Owners simply</i>
	Manu Rua Kowhai	<i>happen to Directors as well.</i>
Website	gogowine.co.nz	<i>Fictional website for this example</i>
Phone number	+64-012-345	<i>Fictional number for this example. Chosen by the company as the number for its administrative headquarters</i>
Email	info@gogowine.co.nz	<i>Fictional email for this example. Chosen by the company as its main email address for general inquiries</i>

¹¹Note: One exception to this is where the same information is already on another public register, such as the Companies Register. Where that is the case, the information may also be made public on the NZBN Register, even if the NZBN entity itself has not elected to make it public. An entity can also choose, at any time, to make private again 'other PBD' it previously chose to make public.

Other PBD that may be on the NZBN Register, but remains private until the NZBN entity elects to make it public	Example information for a fictional business	Explanatory notes
Other addresses		Blank as the company chose not to provide any other addresses.
Australian Business Number		Blank as not applicable to this company
Australian Company Number		Blank as not applicable to this company
Australian service address		Blank as not applicable to this company
Owner	Kelly Jo Humaine Kylie Jane Humaine Kurt Robert Humaine Karen Eliza Humaine	Fictional names for this example. The four family members who are the company shareholders.

Other PBD for unincorporated entities that may be added to the NZBN Register

This is the information currently referred to in Part 2 of Schedule 4 of the NZBN Act. The example information in the table relates to our fictional sole trader builder.

Other PBD that may be on the NZBN Register, but remains private until the NZBN entity elects to make it public	Example information for a fictional business	Explanatory notes
Legal entity name	Jessica Helga Forbeteaux	Fictional name for this example Note: For a sole trader, the legal entity name on the NZBN Register will always be the official name of the person and, by default, the same name will also appear in the Director and Owner fields.
Industry classification	E301120	This is the correct business industry code (BIC) for a building, house construction business.
GST status	Not registered	
GST effective date		Not applicable
Registered address		Blank as the sole trader decided not to provide this information
Postal address	123 Karatai Close, Johnsonville, Wellington 6037	The sole trader's home address, which she uses to receive business mail deliveries
Physical address	123 Karatai Close, Johnsonville, Wellington 6037	The sole trader's home address, where her small business is based
Principal place of activity		Blank as the sole trader decided not to provide this information – because her building work will occur in many different locations

Other PBD that may be on the NZBN Register, but remains private until the NZBN entity elects to make it public	Example information for a fictional business	Explanatory notes
Website	www.forbeteaux.nz	<i>Fictional website for this example</i>
Trading name(s)	Forbeteaux Homes	<i>Fictional trading name for this example</i>
Phone number	+64-012-348	<i>Fictional number for this example. Chosen by the sole trader as the mobile number she will use exclusively for business calls</i>
Email	jess@forbeteaux.nz	<i>Fictional email for this example. Chosen by the sole trader as it is the email address she has set up for business purposes</i>
Other addresses		<i>Blank as the sole trader chose not to provide any other addresses.</i>
Australian Business Number		<i>Blank as not applicable to this sole trader</i>
Australian Company Number		<i>Blank as not applicable to this sole trader</i>
Australian service address		<i>Blank as not applicable to this sole trader</i>
Owner	Jessica Helga Forbeteaux	<i>The name of the sole trader (i.e. as she is the legal owner of the business)</i>

PBD review criteria and principle

Review criteria

In developing the PBD change proposals, we considered current PBD inclusions and the scope and purposes of the PBD. We also used the following review criteria to guide our thinking about whether potential PBD additions and alterations should be pursued.

1. Basic statutory criteria derived from the purposes of the NZBN Act, namely:

- > enabling businesses to interact more easily with government and with one another
- > reducing transaction costs
- > maintaining an NZBN Register that will—
 - > enable certain (relevant) information to be collected and shared between authorised government agencies
 - > make certain (relevant) information publicly available.¹²

2. Overriding statutory criteria, also derived from the Act and which must be addressed to ensure compliance with the Act, related to:

- > avoiding or effectively managing any potential privacy effects
- > the advantages of inclusion or exclusion outweighing the disadvantages; and

3. Additional criteria related to:

- > **'Persistence'** – the NZBN Register is not intended to be a repository of general business statistics that are more likely to be used for purposes beyond what is intended by the NZBN Act. Examples of data that would not be included on the NZBN Register because of this criterion are the number of employees and annual turnover.
- > **Alignment with the Australian Business Register data requirements** – to enhance opportunities for mutual recognition of business identifiers on both sides of the Tasman (which is part of the Single Economic Market Agenda with Australia). Over time this will make it easier for New Zealand businesses to establish and operate in Australia and vice versa.

An important review principle

The PBD change proposals respond to advice from stakeholders that core business information on the NZBN Register should relate to:

- > reliable identification of the business entity and who controls the business and its finances;
- > trading activities of the business and the locations where the activities usually occur;
- > the full range of addresses and other contact details for engaging and communicating with the business, including for regulatory compliance checking; and
- > information routinely used in procurement and payment transactions.

However, consistent with the objective of avoiding or effectively managing any potential privacy effects, we have also applied an 'entity's prerogative' principle in developing our change proposals. This is to ensure that PBD items are only public PBD *by default* on the NZBN Register where they present little or no privacy risk while still helping to achieve other fundamental NZBN information objectives – such as reliable information about the identity, nature and general location of the business. Beyond that, it must be the NZBN entity's prerogative to decide whether to also make their other PBD items publicly available.

This principle dictates that, unless information is already publicly available (e.g. as a requirement of another statute), NZBN entities should decide whether and to what extent they allow public access to information about their specific business addresses, contact details and other information they might only wish to share directly with suppliers or clients.

¹² Implicit in these statutory criteria is the goal of the NZBN supporting business transparency. That demands PBD and operation of the NZBN Register in a way that enables and ensures confirmation that a business entity is 'real' and that information about who controls the business and its finances is reliable.

A point to ponder about the criteria

As noted above, application of the 'persistence' criterion means that data like the number of employees would not be included as PBD on the NZBN Register. However, we have noted advice from Statistics New Zealand (SNZ) that, as NZBN data becomes more reliable and more widely used, SNZ may be able to reduce the number of surveys it needs to conduct, in particular the annual Business Register Update Survey.

In time, we expect all businesses registered for GST and PAYE will be using and updating NZBN regularly. And when all businesses, regardless of size, are using NZBN, SNZ would be able to introduce new measures of the New Zealand economy, including emerging industries from digital and gig economies.^[1]

If the number of employees was added to the NZBN PBD, SNZ could further reduce the need to survey businesses and it could release more data for better decision making in New Zealand. We understand that SNZ customers are regularly seeking employee count information, for example to answer questions about the numbers of small businesses in specific regions/locations and/or industries.

Currently, SNZ does not have employee size data cross-tabulated by either industry or region, and it must point customers to a customised data option (which is a barrier, in terms of time and cost). To address this problem, SNZ is proposing to publish a business list under its legislation including business name, address, industry classification and employee number (including trading names). If employment count could be added via NZBN, SNZ could use NZBN instead.

We are keen to hear stakeholder opinions about the persistence criterion and the statistical issues outlined above. If you would like to share your views, please answer the relevant question in the submission template.

In considering this point, please note that the persistence criterion was applied because the NZBN Register is intended to capture only the core information that businesses are asked for most frequently for business transactions. Even as the NZBN becomes more important as a connector between different datasets, it will not be appropriate for the NZBN Register to become a central database for a wide range of business information unrelated to the purposes of the NZBN Act.

^[1]Gig economies involve a labour market characterised by the prevalence of short-term contracts or freelance work as opposed to permanent jobs.

How proposed changes would be progressed

Section 22 of the NZBN Act 2016 provides for PBD changes to be made by Order in Council on the recommendation of the Minister. In all cases the Minister must have regard to the advantages and disadvantages of the PBD being included in the NZBN Register. For changes to Schedule 3, the Minister must consult the Privacy Commissioner and take into account any potential privacy effects of the amendment.

The Minister would seek Cabinet agreement to the proposed PBD changes before initiating the section 22 process and before the preparation of drafting instructions to the Parliamentary Counsel Office.

Please note that changes made using the section 22 process would not alter the requirements of section 20 of the NZBN Act. Those requirements mean that the NZBN Register must contain all the Schedule 3 PBD (as applicable), whereas Schedule 4 PBD is largely optional. The 'entity's prerogative' principle referred to in the previous section, aligns with the section 20 requirements.

Overview of the change proposals

The PBD change proposals set out in this discussion document are:

- > adding, for each of the PBD items, a purpose description to clarify what the PBD item specifically refers to and why it is included in the NZBN Register
- > rationalising and adding to the suite of PBD address items to ensure that all the addresses routinely used for business transactions can be included on the NZBN Register
- > further changes to help resolve uncertainty about the purpose of some of the current PBD address items (e.g. because different 'source register' statutes sometimes use the same term for different purposes)
- > removing and/or replacing PBD items where there is a strong consensus that the items are of little value on the Register and, where relevant, a new PBD item better meets the needs of government agencies or businesses (e.g. removing GST status and GST effective date items and adding a GST number item)
- > adding new PBD items where there is a strong consensus that the new items will substantially improve the utility of the NZBN (e.g. a payment bank account number, to facilitate finance and procurement transactions)
- > changing the default for some PBD items from other PBD (i.e. private) to public PBD. This includes the legal entity name of unincorporated entities and, where relevant, the NZBN entity's trading name(s) and public website address.

Each of the specific change proposals are explained in detail later in this document, but the first two columns in the tables on the following pages show how Schedules 3 and 4 of the NZBN Act might look if all the changes proposed in this document were to proceed.

The third column in each of the tables is information relating to our fictional businesses – for comparison with the information about those businesses in the background section of this document.

The PBD items highlighted in **bold italics** are the items that would be verified as accurate and could only be changed by the NZBN Registrar. The other items would generally be self-asserted and kept up-to-date by the NZBN entity or their authorised agent.

Schedule 3: Part 1 – Public PBD for corporate and public entities

Primary business data item	Purpose of the item	Example information for a fictional business
<i>Legal entity name</i>	To enable the NZBN entity to be identified by its official (proper, legal) name	<i>Gorgeous Grapes Limited</i>
<i>Trading name or names</i>	To enable the NZBN entity to be identified by any other names it uses for business purposes	<i>GoGo Fine Wines</i>
<i>Registered address</i>	Where the NZBN entity is a company registered under the Companies Act 1993, or a limited partnership under the Limited Partnerships Act 2008, to record the address of the registered office of the company, or the limited partnership, in New Zealand consistent with the requirements of those Acts	<i>274 Plinth Avenue, Springlands, Blenheim, 7241, New Zealand</i>

Primary business data item	Purpose of the item	Example information for a fictional business
Trading area(s)	To identify the geographic areas where the NZBN entity routinely conducts, or is available to conduct, its business activities in New Zealand	<i>All of New Zealand</i>
NZBN	To identify the NZBN allocated by the NZBN Registrar to the NZBN entity	<i>9412312341234</i>
Kind of entity	To identify the kind of entity in terms of how different entities are described in this Act ¹³	<i>NZ Limited Company</i>
Status	To identify whether NZBN registration is current and any solvency issues	<i>Registered</i>
Industry classification	To identify the class(es) of business activity undertaken by the NZBN entity using the New Zealand government business industry classification (BIC) codes	<i>C121450</i>
Director(s)	To identify the people who govern the NZBN entity and its finances	<i>Kelly Jo Humaine Kylie Jane Humaine Kurt Robert Humaine Alfred Marcus Clout Manu Rua Kowhai</i>
Website	To identify the website address(es) of the NZBN entity's public-facing websites (if any) and the primary purpose of each website (if there is more than one)	<i>gogowine.co.nz</i>
Owner	To identify the people, or other entities, who own the NZBN entity	<i>Kelly Jo Humaine Kylie Jane Humaine Kurt Robert Humaine Karen Eliza Humaine</i>

¹³ As this is the wording that will appear in Schedule 3, the words 'this Act' refer to the NZBN Act.

Schedule 3: Part 2 – Public PBD for unincorporated entities

Primary business data item	Purpose of the item	Example information for a fictional business
Legal entity name	To enable the NZBN entity to be identified by its official (proper, legal) name	<i>Jessica Helga Forbeteaux</i>
Trading name or names	To enable the NZBN entity to be identified by any other names it uses for business purposes	<i>Forbeteaux Homes</i>
Trading area(s)	To identify the geographic areas where the NZBN entity routinely conducts, or is available to conduct, its business activities in New Zealand	<i>Wellington City</i> <i>Porirua City</i> <i>Hutt City</i>
NZBN	To identify the NZBN allocated by the NZBN Registrar to the NZBN entity	<i>9412312341235</i>
Kind of entity	To identify the kind of entity in terms of how different entities are described in this Act	<i>Sole Trader</i>
Status	To identify the currency of the NZBN registration and any solvency issues	<i>Registered</i>
Industry classification	To identify the class(es) of business activity undertaken by the NZBN entity using the New Zealand government business industry classification (BIC) codes	<i>E301120</i>
Director(s)	To identify the people who govern the NZBN entity and its finances	<i>Jessica Helga Forbeteaux</i>
Website	To identify the website address(es) of the NZBN entity's public-facing websites (if any) and the primary purpose of each website (if there is more than one)	<i>www.forbeteaux.nz</i>
Owner	To identify the people, or other entities, who own the NZBN entity	<i>Jessica Helga Forbeteaux</i>

Schedule 4: Part 1 – Other PBD for corporate and public entities

Primary business data item	Purpose of the item	Example information for a fictional business
<i>Phone number</i>	To identify the contact phone numbers for the NZBN entity and the primary purpose for each number (if there is more than one)	+64-012-345
<i>Email</i>	To identify the email addresses for the NZBN entity and the primary purpose for each email address (if there is more than one)	info@gogowine.co.nz
<i>Postal address</i>	To identify the address the NZBN entity uses to receive physical postal deliveries	PO Box 12-123, Springblock, Blenheim 7241
<i>Address for service</i>	To identify the NZBN entity's physical address in New Zealand at which writs, summons, notices and other legal documents can be served (as appropriate) on the entity, its management/employees and/or its Director(s) or Owner(s)	47 Gorgeous Grove, Blenheim 7201
<i>Office address</i>	To identify the address where the NZBN entity's administrative headquarters are located	47 Gorgeous Grove, Blenheim 7201
<i>Delivery address</i>	To identify the primary, physical address at which the NZBN entity wishes to receive physical deliveries of 'goods' and other items that are not postal deliveries	1234 State Highway 123, Renwick
<i>Invoice address</i>	To identify the address the NZBN entity uses to receive deliveries of invoices	email: invoices@gogowine.co.nz
<i>GST Number</i>	To identify the entity's GST number(s), if any	000-123-321
<i>Payment bank account number</i>	To identify the primary bank account the NZBN entity uses to receive payments	12-3443-6543210-123
<i>Australian Business Number (ABN)</i>	To identify the NZBN entity's ABN (if any)	Not applicable

Schedule 4: Part 2 – Other PBD for unincorporated entities

Primary business data item	Purpose of the item	Example information for a fictional business
<i>Phone number</i>	To identify the contact phone numbers for the NZBN entity and the primary purpose for each number (if there is more than one)	+64-012-348
<i>Email</i>	To identify the email addresses for the NZBN entity and the primary purpose for each email address (if there is more than one)	jess@forbeteaux.nz
<i>Postal address</i>	To identify the address the NZBN entity uses to receive physical postal deliveries	123 Karatai Close, Johnsonville, Wellington 6037
<i>Address for service</i>	To identify the NZBN entity's physical address in New Zealand at which writs, summons, notices and other legal documents can be served (as appropriate) on the entity, its management/employees and/or its Director(s) or Owner(s)	123 Karatai Close, Johnsonville, Wellington 6037
<i>Office address</i>	To identify the address where the NZBN entity's administrative headquarters are located	123 Karatai Close, Johnsonville, Wellington 6037
<i>Delivery address</i>	To identify the primary, physical address at which the NZBN entity wishes to receive physical deliveries of 'goods' and other items that are not postal deliveries	123 Karatai Close, Johnsonville, Wellington 6037
<i>Invoice address</i>	To identify the address the NZBN entity uses to receive deliveries of invoices	email: invoices@forbeteaux.nz
<i>GST Number</i>	To identify the entity's GST number(s), if any	Not applicable (not GST registered)
<i>Payment bank account number</i>	To identify the primary bank account the NZBN entity uses to receive payments	12-3443-0112233-321
<i>Australian Business Number (ABN)</i>	To identify the NZBN entity's ABN (if any)	Not applicable

Managing the privacy impacts of some change proposals

Because of privacy concerns for some individuals in business, we have given special attention to the proposals to make the legal name and/or trading name(s) of unincorporated entities public on the NZBN Register.

We completed a privacy impact assessment process and secured in principle support from the Office of the Privacy Commissioner for an approach that addresses privacy concerns. That approach would involve regulations, or some other new legislative provision, to enable the NZBN Registrar to suppress Public PBD where the Registrar is satisfied that specific grounds for doing so have been met (e.g. for personal safety, or public interest, reasons).

The Registrar's consideration would be triggered by an application for suppression by the unincorporated entity. The application could be made at the same time as the initial NZBN registration, or any time after registration.

We envisage that the NZBN PBD suppression approach would operate in a manner like the non-disclosure regime operated by the Australian Business Register (ABR), except that the NZBN Register suppression would occur immediately upon application and then continue at least until the application has been determined and any subsequent objection has been dealt with.¹⁴

For information on the ABR regime please check out the ABR website via the following link.

<https://abr.gov.au/For-Business,-Super-funds---Charities/Applying-for-an-ABN/Your-business-information-on-the-ABR/Suppress-your-ABN-details/>

Along with other feedback, we welcome comments on the potential privacy impacts of proposals to make the legal name and/or trading name(s) of unincorporated entities public on the NZBN Register. These two proposals are discussed in more detail in the section of this document headed up "*Proposed changes to other PBD for unincorporated entities (Part 2, Schedule 4)*".

¹⁴ The ABR suppression may not occur until an application has been determined and this can take up to 20 working days.

Details of PBD change proposals and commentary

Introduction

For consistency with the NZBN Act, and to enable corporate and public entities and unincorporated entities to readily see the proposals most relevant to their specific interests, this section sets out the PBD change proposals in four parts:

- > Part 1: Public PBD for corporate and public entities
- > Part 2: Other PBD for corporate and public entities
- > Part 3: Public PBD for unincorporated entities
- > Part 4: Other PBD for unincorporated entities

Due to distinctions made in the NZBN Act between different types of entities and associated PBD items, some repetition is unavoidable. However, where a PBD change proposal largely repeats what appears in an earlier Part, we refer to the detailed discussion in the earlier Part.

For each change proposal we describe the change and, where appropriate, explain the rationale for change. For some PBD items, we also include additional explanatory information about how the NZBN Register operates around that item. For some items we also address issues or questions raised by stakeholders about the PBD item.

We have proposed a new purpose description for every PBD item. For some PBD items that is the only change proposed and, in those instances, we indicate that there is ***“No change except to add a purpose description”***.

In reviewing the change proposals and considering how PBD might be used, it is important to remember that, whenever NZBN PBD is used (e.g. to pre-populate a form), there will probably always be a need for the NZBN entity, or their authorised agent, to check and confirm that the PBD is the right information for the purpose it is being used.

Where the NZBN Register enables multiple entries in a PBD field (e.g. more than one email address or phone number), one of the entries must be identified as the primary entry. Where practicable, the specific purposes of any secondary entries will be recorded on the Register.

We welcome your feedback on all change proposals, including ‘No change’ proposals and the proposed wording for the new purpose descriptions.

Please note, the final approach to any changes (including wording of any new purpose descriptions) will depend on the overall analysis of submissions, post-consultation Cabinet decisions and the drafting preferences of the Parliamentary Counsel Office.

Proposed changes to Public PBD for corporate and public entities

(SCHEDULE 3, PART 1)

PROPOSAL 1.1: LEGAL ENTITY NAME

No change except to add a purpose description *"To enable the NZBN entity to be identified by its official (proper, legal) name"*.

PROPOSAL 1.2: TRADING NAME OR NAMES

No change except to add a purpose description *"To enable the NZBN entity to be identified by any other names it uses for business purposes"*.

PROPOSAL 1.3: REGISTERED ADDRESS

No change except to clarify that this PBD item is only relevant to:

- > New Zealand Companies and Overseas Companies registered in New Zealand under the Companies Act 1993
- > New Zealand Limited Partnerships and Overseas Limited Partnerships under the Limited Partnerships Act 2008.

This clarification will be achieved by adding a purpose description *"Where the NZBN entity is a company registered under the Companies Act 1993, or a limited partnership under the Limited Partnerships Act 2008, to record the address of the registered office of the company, or the limited partnership, in New Zealand consistent with the requirements of those Acts"*.

Comment

Different statutes cover the various types of NZBN entities on the public registers that are source registers for the NZBN Register. Where those statutes use the terms registered address and/or registered office the terms often have different meanings and purposes. For example, section 18 of the Incorporated Societies Act 1908 includes the requirement that *"Every society shall have a registered office to which all communications may be addressed"*.

The Companies Act 1993 and the Limited Partnerships Act 2008 require specified company and partnership documents to be kept at the address of the company's registered office. This recognises that the registered address of that 'office' may be a different address to where the company or partnership has its administrative and/or operational headquarters (e.g. in situations where accountants or lawyers keep records for their business clients).

The proposed clarification ensures that the specific requirements for companies and limited partnerships are satisfied by the NZBN Register and the more general address requirements of other statutes are met by our other proposals.

PROPOSAL 1.4: LOCATION IDENTIFIER

Rename this PBD item as 'Trading areas' and add a purpose description *"To identify the geographic areas where the NZBN entity routinely conducts, or is available to conduct, its business activities in New Zealand"*.

Comment

The proposed new name and purpose description are technical refinements to remove potential for confusion about the purpose of this PBD item for the NZBN Register. We expect it will also help to improve the relevance and utility of operational location information on the NZBN Register.

The regions currently used in the NZBN Register for this PBD item are regional council and unity authority districts (except for the Chatham Islands Council). The future intention is to use territorial authority districts as they are smaller geographic areas than regions, but are still based on communities of interest. Also, as is currently the case, the NZBN entity would be able to choose more than one district and/or options such as 'All of New Zealand', or 'North Island' or 'South Island'.

While territorial authority districts can change due to local authority reorganisation (e.g. the formation of the Auckland

Council in 2010), this is a relatively infrequent event. The information on the Register could be easily updated – either universally by the NZBN Registrar, or directly by each of the affected NZBN entities.

Given the proposed purpose description, 'Trading areas' makes more sense than 'Location identifier'. Although there may be an overlap with other address information on the NZBN Register, this PBD item provides a further layer of self-asserted information about the geographic extent of business operations (e.g. localised versus national sales and service).

We have also considered that some businesses do not have a public-facing website. There are also mobile or virtual businesses that do not have a fixed, physical operational location. They will still be able to use this PBD item on the NZBN Register to communicate the intended, or preferred geographic extent of their trading operations in New Zealand.

Because the NZBN is only relevant to entities in business in New Zealand, no 'Overseas' option(s) will be available for the trading areas PBD item.

PROPOSAL 1.5: NEW ZEALAND BUSINESS NUMBER (NZBN)

No change except to add a purpose description *"To identify the NZBN allocated by the NZBN Registrar to the NZBN entity"*.

PROPOSAL 1.6: START DATE

Remove this PBD item.

Comment

As the NZBN Act is currently silent about the purpose of this PBD item, there appear to be three possible, and potentially incompatible, purposes, namely identification of:

- (a) the date the corporate or public entity was created
- (b) how long the entity has been actively trading
- (c) the date the entity became an NZBN entity.

We suggest that the most likely purpose is simply to identify the creation date for each the different types of corporate and public entities as follows:

- (a) **For entities on a public register (Schedule 2)** – the incorporation date of the entity as recorded on the relevant register.
- (b) **For a government agency (s.5)** – the date on which the agency was established by the New Zealand Government.
- (c) **For any other body corporate or corporation sole (s.9(1)(a)(iii))** – the incorporation date of the entity as per the relevant statute or other incorporating document.
- (d) **For any other entity declared by regulations to be a corporate or public entity (s.9(1)(a)(iv))** – the date that the entity becomes a corporate or public entity for the purposes of the NZBN Act (i.e. by virtue of the relevant regulations).

This PBD item is problematic because, as outlined above, it means different things for different types of businesses. For some, there may also be a risk of inaccuracy due to self-assertion by the NZBN entity.

Although this PBD item may be perceived as providing an indication of the 'maturity' of a business, it does not convey absolutely reliable information about:

- > the nature, extent or variability of the entity's business activities after that date
- > the quality or creditworthiness of the business.

Although we propose that a 'start date' would no longer appear on the NZBN Register, the incorporation date (if

applicable) will still be available on other public registers. Also, the NZBN Registrar will also maintain a record of each entity's NZBN registration date.

If submissions indicate, contrary to our proposal, that this PBD item should be retained for corporate and public entities, then we would probably recommend to Ministers that it is retained with a new purpose description to clarify that it is only relevant to incorporated entities and is the date of incorporation for such entities.

PROPOSAL 1.7: KIND OF ENTITY

No change except to add a purpose description *"To identify the kind of entity in terms of how different entities are described in this Act"*.

Comment

The different kinds of corporate and public entities described in the Act include those listed in Schedule 2 (Building society, Charitable trust, etc); government agencies (see s.5, Crown entity, department etc), other body corporate or corporation sole, and any other entities declared by regulations to be a corporate or public entity.

PROPOSAL 1.8: STATUS

No change except to add a purpose description *"To identify the currency of the NZBN registration and insolvency status (if any)"*.

Comment

The current status categories on the NZBN Register for corporate and public entities are:

- > Registered
- > Voluntary Administration
- > In Receivership
- > In Liquidation
- > In Statutory Administration
- > Removed/Closed

Proposed changes to other PBD for corporate and public entities

(SCHEDULE 4, PART 1)

PROPOSAL 2.1: INDUSTRY CLASSIFICATION

Proposal 2.1.1: No change except to add a purpose description *“To identify the class(es) of business activity undertaken by the NZBN entity using the New Zealand government business industry classification (BIC) codes.”*

Proposal 2.1.2: Make this PBD item public on the NZBN Register by shifting it from Part 1 of Schedule 4 to Part 1 of Schedule 3 of the NZBN Act.

Comment

The industry classification will not be publicly associated, on the NZBN Register, with potentially sensitive information (e.g. an address or contact details), unless the NZBN entity makes choices and/or exercises their prerogative in a way that makes such an association possible. Accordingly, the proposal to make this item public on the NZBN Register is consistent with our PBD Review criteria and principle.

As NZBN Register developments proceed, we expect that multiple classifications will be able to be recorded. For example, if our fictional wine-making company decided to also become a women’s clothing retailer, it would have an additional classification of G425145. However, one of the classifications will need to be authoritative and will be verified by the NZBN Registrar by way of information sharing with ACC. This will help to establish a single ‘source of truth’ about the classification for government agencies and the private sector.

Wider benefits of this proposal would include enabling of research about numbers and clustering of entities in a specific industry type.

For more information about business industry classification codes used in New Zealand, please visit:

<https://businessdescription.co.nz/help/>

PROPOSAL 2.2: GST STATUS

Remove this PBD item.

Comment

Our proposal (see below) to include a new GST number PBD item will make this GST status item redundant – as the presence of the GST number confirms GST registration.

PROPOSAL 2.3: GST EFFECTIVE DATE

Remove this PBD item.

Comment

Knowing the effective date of GST registration does not actually convey any reliable information about: the nature, extent, value, or variability of the entity’s business activities; or the quality or creditworthiness of the business. An entity can be continuously registered for GST for years without conducting any business and would simply need to lodge ‘zero’ GST returns with Inland Revenue.

Our proposal (see below) to include a new ‘GST number’ PBD item will confirm whether an NZBN entity is GST registered.

¹⁵ For example, letters and other hardcopy ‘mail’ delivered a ‘postal operator’ registered under the Postal Services Act 1998.

PROPOSAL 2.4: POSTAL ADDRESS

No change except to add a purpose description “To identify the address the NZBN entity uses to receive physical postal deliveries.”¹⁵

PROPOSAL 2.5: PHYSICAL ADDRESS

Remove this PBD item.

Comment

It is difficult to describe a clear, singular purpose for a physical address and some businesses do not operate or base themselves in static, or single, physical locations.

We consider it would be more helpful to add separate, new PBD address items that cover the range of purposes a physical address might serve. Hence the proposals (below) to add new PBD address items such as.

- > Address for service
- > Delivery address
- > Office address.

We recognise that for many businesses this may result in the same address being used for each of the new PBD items and indeed for other items too – such as the postal address. However, the proposed, new approach is more flexible, and the purpose of each item more easily defined and understood. It should be possible to minimise any duplication of effort around the initial supply or updating of address information through our mapping of data from source registers, or the options that will be available in our online registration and updating processes.

PROPOSAL 2.6: PRINCIPAL PLACE OF ACTIVITY

Remove this PBD item.

Comment

The main reasons for proposing removal of this item are that:

- > not all businesses have a principal place of activity – they may be entirely mobile/virtual, or they may run identical operations in several different locations.
- > the item is also redundant in the context of other change proposals related to business addresses and the ‘Trading areas’ item (that would be created by renaming the ‘Location identifier’ item) referred to above.

PROPOSAL 2.7: DIRECTORS

Proposal 2.7.1: No change except to add a purpose description “To identify the people who govern the NZBN entity and its finances.”

Proposal 2.7.2: Make this PBD item public on the NZBN Register by shifting it from Part 1 of Schedule 4 to Part 1 of Schedule 3 of the NZBN Act.

Comment

The term ‘govern’ is used in the proposed purpose description to distinguish Directors (or the equivalent position if a corporate or public entity does not use the term ‘Director’ to describe its governors) from the business owner(s) and

management. We acknowledge that an owner and/or manager may also be a governor, but the distinction remains valid.

The proposal to make this PBD item public on the NZBN Register is consistent with the objective of transparency around who controls a business and its finances. It also recognises that Director information is already publicly available for most corporate and public entities (i.e. due to public register requirements of relevant statutes such as the Companies Act 1993).

PROPOSAL 2.8: WEBSITE

Proposal 2.8.1: Add a purpose description *“To identify the website address(es) of the NZBN entity’s public-facing websites (if any) and the primary purpose of each website (if there is more than one); and*

Proposal 2.8.2: Make this PBD item public on the NZBN Register by shifting it from Part 1 of Schedule 4 to Part 1 of Schedule 3 of the NZBN Act.

Comment

As a public-facing website is already in the public domain, there appears to no good reason for it not to be public on the NZBN Register.

PROPOSAL 2.9: PHONE NUMBER

No change except to add a purpose description *“To identify the contact phone numbers for the NZBN entity and the primary purpose of each number (if there is more than one).”*

PROPOSAL 2.10: EMAIL

No change except to add a purpose description *“To identify the email addresses for the NZBN entity and the primary purpose of each email address (if there is more than one).”*

PROPOSAL 2.11: OTHER ADDRESSES

Remove this PBD item.

Comment

Removal is proposed as the item doesn’t provide any value (i.e. as business addresses of value are covered by existing PBD items and/or the proposals (below) for new, more specific address items. This PBD item is also difficult to use (e.g. through an API) if the addresses being entered do not have a clear and consistent purpose.

PROPOSAL 2.12: AUSTRALIAN BUSINESS NUMBER (ABN)

No change except to add a purpose description *“To identify the NZBN entity’s ABN (if any).”*

PROPOSAL 2.13: AUSTRALIAN COMPANY NUMBER (ACN)

Remove this PBD item.

Comment

Removal is proposed as the item does not provide any value (i.e. as the ABN is the key identifier for businesses in Australia and enables ready access to the ACN, if required).

PROPOSAL 2.14: AUSTRALIAN SERVICE ADDRESS

Remove this PBD item.

Comment

The proposal (below) to add a New Zealand service address to the NZBN Register would make this item redundant. Also, the Australian service address is already maintained as non-public information on the Australian Business Register.

PROPOSAL 2.15: OWNER

Proposal 2.15.1: No change except to add a purpose description *“To identify the people, or other entities, who own the NZBN entity.”*

Proposal 2.15.2: Make this PBD item public on the NZBN Register by shifting it from Part 1 of Schedule 4 to Part 1 of Schedule 3 of the NZBN Act.

Comment

The proposal to make this PBD item public on the NZBN Register is consistent with the objective of transparency around the legal owners of a business. It recognises that such owners may influence those controlling the business and its finances: and that owner information is already publicly available for most corporate and public entities (i.e. due to public register requirements of relevant statutes such as the Companies Act 1993).

Where there are many legal owners (e.g. company shareholders) the source registers and the NZBN Register may not list all the owners individually. To confirm ownership details in those circumstances it will be necessary to obtain access to the relevant share register or membership information.

PROPOSAL 2.16: GST NUMBER

Add to Part 1 of Schedule 4 of the NZBN Act a new PBD item **GST number** with the purpose description *“To identify the entity’s GST number(s), if any.”*

Comment

The inclusion of this new PBD item will enable GST status to be self-asserted by the NZBN entity (i.e. where the NZBN entity chooses to include its GST number(s) on the Register this indicates that the entity is GST registered). The provision of GST number itself is also useful as it is a widely consumed and utilised piece of core business information. As noted above, the addition of this item supports and enables the removal of existing GST status and GST effective date PBD items.

PROPOSAL 2.17: ADDRESS FOR SERVICE

Add to Part 1 of Schedule 4 of the NZBN Act a new PBD item **Address for service** with the purpose description *“To identify the NZBN entity’s physical address in New Zealand at which writs, summons, notices and other legal documents can be served (as appropriate) on the entity, its management/employees and/or its director(s) or owner(s).”*

Comment

This, along with other address-related change proposals would provide a more complete and easily understood suite of addresses used by New Zealand businesses (i.e. with a clear and obvious purpose for each PBD item and a PBD title that matches that purpose).

As noted earlier in this document, for many businesses, it may be that the same address is used for each of the new PBD items and for other items too. However, we consider that the proposed, new approach provides more flexibility for those that need it and the purpose of each PBD item is more easily understood.

PROPOSAL 2.18: OFFICE ADDRESS

Add to Part 1 of Schedule 4 of the NZBN Act a new PBD item **Office address** with the purpose description *“To identify the address where the NZBN entity’s administrative headquarters are located”*.

Comment

If required, further guidance information would clarify that this is the address where the business manager(s) and their support staff (if any) primarily locate themselves for business administration and management purposes.

PROPOSAL 2.19: DELIVERY ADDRESS

Add to Part 1 of Schedule 4 of the NZBN Act a new PBD item **Delivery address** with the purpose description *“To identify the primary, physical address at which the NZBN entity wishes to receive physical deliveries of ‘goods’ and other items that are not postal deliveries.”*

Comment

This proposed new item recognises that a delivery address is a common feature of many business-to-business transactions (i.e. particularly where a postal address is not appropriate for the delivery and receipt of goods or certain types of correspondence).

We recognise that some businesses will use more than one delivery address, and, for others, such addresses may change as they move work sites. If a business considers that the NZBN Register is not the appropriate place to publish a delivery address (e.g. because they use many or varying delivery addresses), they are not required to provide a delivery address to the NZBN Registrar. However, for many businesses, this address will be constant and will probably be the same address they use for other PBD items.

PROPOSAL 2.20: INVOICE ADDRESS

Add to Part 1 of Schedule 4 of the NZBN Act a new PBD item **Invoice address** with the purpose description *“To identify the address the NZBN entity uses to receive deliveries of invoices”*.

Comment

This recognises that a unique invoice address is a common feature of many government-to-business and business-to-business transactions. Many government agencies and private businesses use a specific email address for invoices. However, for example, it could also be a specific PO Box or the address of a third party (e.g. accountant or bookkeeper) who processes invoices on behalf of the business.

Please note that electronic invoicing (e-invoicing) is excluded by the purpose statement. E-invoicing is the ability to exchange an invoice document between a supplier and a buyer in an integrated electronic format (system to system) in accordance with a standard and operating environment that ensures full interoperability between different accounting systems. E-invoicing of this nature has not been established in New Zealand yet, but, as Australian work on e-invoicing is advanced, we anticipate it will become available in New Zealand before too long. Invoices delivered as an attachment to an email are not ‘e-invoices’.

PROPOSAL 2.21: PAYMENT BANK ACCOUNT

Add to Part 1 of Schedule 4 of the NZBN Act a new PBD item **Payment bank account** with the purpose description *“To identify the primary bank account the NZBN entity uses to receive payments.”*

Comment

Some stakeholders have advocated for the inclusion of this item. They point out that the banking industry already provides a central register of bank account numbers (used by internet banking clients to process payments) and many businesses already share this information widely with their clients (e.g. as part of the payment instructions on their invoices).

Linking a bank account to a verified NZBN entity may assist in reducing fraud. For example, a recent scam involved accessing business email accounts, finding recently sent invoices and resending the invoices with a different bank account number. If NZBN entity authorises access to this PBD, an account number on an invoice can be checked against the information on the NZBN Register, which means the account number can be easily verified before payment is made.

Appropriate security and identification checks and, possibly, validation would apply when this new PBD item is added to the NZBN Register and/or when changes are to be made.

Proposed changes to public PBD for unincorporated entities

(SCHEDULE 3, PART 2)

PROPOSAL 3.1: LOCATION IDENTIFIER

Rename this PBD item as *Trading areas* and add a purpose description *"To identify where the NZBN entity routinely conducts, or is available to conduct, its business activities in New Zealand"* (for the same reasons outlined in Part 1 of this document).

PROPOSAL 3.2: NEW ZEALAND BUSINESS NUMBER (NZBN)

No change except to add a purpose description *"To identify the NZBN allocated by the NZBN Registrar to the NZBN entity"*.

PROPOSAL 3.3: START DATE

Remove this PBD item.

Comment

As indicated in Part 1, if the proposal to remove this PBD item is not supported by submissions, then it is likely that it would only be retained as the 'creation date' for corporate and public entities. That is because the concept of a start date for unincorporated entities is even more problematic than for corporate and public entities, for example:

- (a) **For a sole trader** – who may not work continuously as a sole trader, would the start date be the first, or the most recent, date that they commenced trading as a sole trader? (i.e. as it makes no sense to use a 'creation date' for a sole trader).
- (b) **For a partnership (s.4(1) of the Partnership Act 1908)** – would the start date be the date that the 'firm' was established or the date it commenced trading? If there is no formal partnership agreement, which we understand is a common circumstance, it may not be possible to verify the establishment date.
- (c) **For trustees** – would the start date be the date that the relevant Trust was formally established or the date the trustee was appointed in respect of that Trust **or** the date that either the Trust or the trustee commenced trading?
- (d) **For other unincorporated entities** – would the start date be the date that the entity was established **or** the date it commenced trading? As many unincorporated entities (e.g. a community group) establish and operate in a relatively informal manner, it may not be possible to verify an establishment date.

PROPOSAL 3.4: KIND OF ENTITY

No change except to add a purpose description *"To identify the kind of entity in terms of how different entities are described in this Act"*.

Comment

Note that the different kinds of unincorporated entities are sole traders, partnerships, trustees and other entities such as unincorporated community groups.

PROPOSAL 3.5: STATUS

No change except to add a purpose description *"To identify the currency of the NZBN registration and insolvency status (if any)"*.

Comment

The current status categories on the NZBN Register for unincorporated entities are, where relevant, the same as for corporate and public entities – plus there is an additional inactive category for sole traders.

Proposed changes to other PBD for unincorporated entities

(SCHEDULE 4, PART 2)

PROPOSAL 4.1: LEGAL ENTITY NAME

Proposal 4.1.1: No change except to add a purpose description *“To enable the NZBN entity to be identified by its official (proper, legal) name”*.

Proposal 4.1.2: Make this PBD item public on the NZBN Register by shifting it from Part 2 of Schedule 4 to Part 2 of Schedule 3 of the NZBN Act.

Comment

The proposal to make this PBD item public on the NZBN Register is to enable the business to be identified and located on the NZBN Register by its legal name.

The NZBN Act does not define the term ‘legal entity name’. However, with individuals in business in mind, we have noted the Department of Internal Affairs (DIA) August 2014 publication *‘Good practice guidance: For the recording and use of personal names’*. The DIA guidance defines an official name as *“A name that can be validated against a NZ authoritative identity data source”*. The DIA guidance explains that names that could qualify for this category come from documents such as New Zealand identity documents (birth certificates, citizenship certificates and passports) and most overseas passports.

As outlined below, in considering this proposal, there is a need to look at the balance between ensuring the availability of core business information and protecting the privacy of individuals who have chosen to be in business in New Zealand and who also choose to use their personal names for business purposes.

Some of the arguments for making this PBD item public on the NZBN Register

The key arguments we have heard for making the legal entity name public PBD for unincorporated entities are:

- > If a business is using their NZBN as an identifier, that identifier is of little value if it does not actually enable them to be identified (i.e. by looking the business up on the NZBN Register).
- > An important goal of the NZBN Act/Register is supporting transparency in business relationships and transactions and enabling confirmation that a business entity is real. The ability for unincorporated NZBN entities to keep their legal name private on the NZBN Register is a serious impediment to achieving that goal.
- > Improving the ability to reliably identify a business also helps to reduce business risks due to mistaken identity (e.g. a poor credit rating because of confusion about the identity of different businesses or their owners).
- > Although the information may not be public (e.g. on a website), being in business to any significant degree will usually require the legal name of the business to be shared widely with business clients and contacts regardless of the NZBN (e.g. through marketing and information included in contracts and other legal documents).
- > Privacy settings in Australia are very similar to New Zealand and legal entity names are public on the Australian Business Register. Australian officials have not indicated to us that this creates unmanageable problems in Australia (and we are proposing privacy protections like those used for business registration in Australia). Making the legal entity name public on the NZBN Register would therefore be consistent with ongoing mutual recognition efforts.

Also, government directions issued in 2016 by Cabinet and by the Ministers of Finance and State Services to government agencies include a requirement that:

“If a person or system provides the agency a valid NZBN, the agency must be able to identify the NZBN entity that the NZBN applies to (without requiring an additional identifier...”

¹⁹It is acknowledged that some businesses don’t engage in active self-marketing. Such businesses may work with a discrete client group and their approach wouldn’t equate to making information available on a public register.

Government agencies have pointed out that it is not possible to comply with this government direction where an unincorporated NZBN entity has not made its legal name public on the NZBN Register.

Personal privacy issues

Personal privacy issues associated with this proposal (and the similar trading name proposal, discussed below) arise because, for NZBN purposes, a business includes identifiable individuals such as sole traders and trustees. Specific privacy concerns arise for unincorporated NZBN entities who do not wish to:

- > reveal their personal name at all
- > have the connection between their personal name and one or more trading names made visible through the NZBN Register.

The likely scale of privacy impacts

Some larger private sector stakeholders who regularly interact with or support sole traders (e.g. accounting service providers and banks) have already told us that the privacy protections around legal and trading names of unincorporated NZBN entities would not be wanted or needed by most New Zealand businesses. Those stakeholders consider that the almost universal and public nature of business operations means that very few individuals in business will have such privacy concerns, or, if they do, they will take steps to mitigate privacy impacts.

However, before decisions can be made about this fundamental change to the NZBN Register, we need to develop a better understanding of the likely scale of privacy impacts for identifiable individuals such as sole traders and trustees and how they can best be addressed. That is why we are using this consultation process to seek specific feedback from stakeholders about privacy concerns, impacts and mitigation options.

Mitigation of privacy impacts

As outlined below, there are several ways that personal privacy issues and impacts arising from this proposal can be mitigated.

The most sensitive personal information can be kept private on the NZBN Register

All the most sensitive personal information (e.g. addresses and contact details) will always remain private on the NZBN Register as other PBD, unless the NZBN entity chooses to make it public or otherwise available through some form of access authorisation.

Personal names do not have to be used for business purposes

If an individual did not want their personal name on the Register, they could maintain their privacy by establishing a separate legal entity for business and NZBN registration purposes. (e.g. a registered company or a trustee arrangement that does not use their name).

In 2017, New Zealand was ranked by the World Bank as the easiest country in the world to do business. Company registration can be completed quickly and easily on line. Currently it costs just \$10 to reserve a company name, \$105 to apply to incorporate a company and the fee associated with ongoing annual company returns is \$36 (all costs are GST exclusive). Presumably, such limited time, effort and expense would be worth it to keep a personal name private where there are compelling reasons for doing so.

There is considerable evidence that this is viable and already happening to a very significant degree. In 2017, around 59,000 new companies were incorporated in New Zealand. The Ministry of Business, Innovation and Employment 'Small business sector report 2014', showed that around 70 percent of New Zealand enterprises had zero employees and almost 60 percent of those enterprises are companies or trusts/estates. Less than 25 percent of zero employee enterprises operate as individual proprietors (sole traders).

Proposed changes to other PBD for unincorporated entities

(SCHEDULE 4, PART 2)

Section 11(2) of the NZBN Act provides that a person who is a sole trader can only be allocated one NZBN and be registered on the NZBN Register only once as a sole trader. Therefore, if a sole trader was running two or more different businesses in their sole trader capacity all the businesses would share the sole trader's single NZBN. It is possible that some of a sole trader's clients might perceive the sole trader's different business activities to be incompatible and the single NZBN may enable the link between the sole trader and their different business activities to be readily identified.

If the sole trader wished to avoid this situation, while continuing to operate more than one business, they could establish a separate entity (e.g. a company, as outlined above), with a different legal name and a different NZBN, to run one or more of their businesses. This is allowed under the NZBN Act because the entities have separate legal personalities (i.e. the sole trader is one entity and the company is another). The information requirements for the Companies Register under the Companies Act 1993 would apply to any company created for this purpose.

New legislation could prescribe grounds and a process for suppression of certain public PBD

The NZBN Act does not currently provide for suppression of any public information on the NZBN Register. That said, we note that the s.37 regulation making powers do enable regulations "...providing for any other matters contemplated by this Act, necessary for its administration, or necessary for giving it full effect."

Given that one of the Act's purposes relates specifically to protecting the privacy of individuals in business, if these PBD changes proceed, we are also proposing regulations, or some other new legislative provision, prescribing when and how information that would normally be public on the Register may be kept private.

The discussion in the earlier section of this document headed *'Managing the privacy impacts of some change proposals'* provides an indication of how the new suppression provisions could work. If stakeholder feedback during this consultation process indicates support for such provisions, further work and targeted consultation would occur around the detail of legislative mechanisms, legal thresholds, application requirements and the tests the NZBN Registrar might apply to a suppression application.

This further work would also take account of the broader feedback we receive about the PBD change proposals and related privacy issues, impacts and mitigation options.

PROPOSAL 4.2: INDUSTRY CLASSIFICATION

Proposal 4.2.1: No change except to add a purpose description *"To identify the class(es) of business activity undertaken by the NZBN entity using the New Zealand government business industry classification (BIC) codes."*

Proposal 4.2.2: Make this PBD item public on the NZBN Register by shifting it from Part 2 of Schedule 4 to Part 2 of Schedule 3 of the NZBN Act (for the same reasons outlined in Part 2 of this document).

PROPOSAL 4.3: GST STATUS

Remove this PBD item (for the same reasons outlined in Part 2 of this document).

PROPOSAL 4.4: GST EFFECTIVE DATE

Remove this PBD item (for the same reasons outlined in Part 2 of this document).

PROPOSAL 4.5: REGISTERED ADDRESS

Remove this PBD item

¹⁷ <http://www.mbie.govt.nz/info-services/business/business-growth-agenda/pdf-and-image-library/2014/The%20Small%20Business%20Sector%20Report%202014%20-PDF%208.8%20MB-1.pdf>

Comment

As noted in Part 1 of this document, this PBD item is only relevant to New Zealand Companies and Overseas Companies registered in New Zealand under the Companies Act 1993. Also, the proposed new office address item (see below) will serve the purpose of identifying the location of the administrative headquarters (if any) of an unincorporated entity.

PROPOSAL 4.6: POSTAL ADDRESS

No change except to add a purpose description *“To identify the address the NZBN entity uses to receive physical postal deliveries”* (for the same reasons outlined in Part 2 of this document).

PROPOSAL 4.7: PHYSICAL ADDRESS

Remove this PBD item (for the same reasons outlined in Part 2 of this document).

PROPOSAL 4.8: PRINCIPAL PLACE OF ACTIVITY

Remove this PBD item (for the same reasons outlined in Part 2 of this document).

PROPOSAL 4.9: DIRECTORS

Proposal 4.9.1: No change except to add a purpose description *“To identify the people who govern the NZBN entity and its finances”* (for the same reasons outlined in Part 2 of this document).

Proposal 4.9.2: Make this PBD item public on the NZBN Register by shifting it from Part 2 of Schedule 4 to Part 2 of Schedule 3 of the NZBN Act.

Comment

For sole traders and trustees this item is the same as legal entity name. However, for partnerships it is the official names of the partners, as opposed to the partnership’s firm name.

For other unincorporated entities like community groups, this item will be the entity’s Directors or their equivalent as expressed in the entity’s rules. The NZBN Registrar requires such entities to show that they have rules that meet a minimum standard before they are registered as NZBN entities.

This proposal is consistent with the objective of transparency around who controls a business and its finances. As the Directors of most unincorporated entities (e.g. sole traders and trustees) are the same as the Legal entity, this proposal needs to be considered alongside the proposal (above) to make the Legal entity name Public PBD. The same privacy impact protections and mitigations would apply.

PROPOSAL 4.10: WEBSITE

Proposal 4.10.1: To add a purpose description *“To identify the website address(es) of the NZBN entity’s public-facing websites (if any) and the primary purpose of each website (if there is more than one)”*; and

Proposal 4.10.2: Make this PBD item public on the NZBN Register by shifting it from Part 2 of Schedule 4 to Part 2 of Schedule 3 of the NZBN Act (for the same reasons outlined in Part 2 of this document).

PROPOSAL 4.11: TRADING NAMES

Proposal 4.11.1: No change except to add a purpose description *“To enable the NZBN entity to be identified by any other names it uses for business purposes”*.

Proposed changes to other PBD for unincorporated entities

(SCHEDULE 4, PART 2)

Proposal 4.11.2: Make this PBD item public on the NZBN Register by shifting it from Part 2 of Schedule 4 to Part 2 of Schedule 3 of the NZBN Act.

Comment

The NZBN Act does not define the term 'trading name'. However, with individuals in business in mind, we have noted the DIA August 2014 publication *'Good practice guidance: For the recording and use of personal names'*. The DIA guidance refers to 'assumed names' and defines that term as "any other name that a person uses providing it is not for the purposes of deceit".

The DIA guidance also explains that assumed names include married/civil union names, overseas registered names, preferred names, aliases, also-known-as (AKA) and commonly known as (CKA) names, tribal names and role-based names.

For the purposes of the NZBN Act, if an individual uses an assumed name (i.e. any name other than their legal entity name) for business purposes that would be regarded as a trading name and the proposal (14.11.2) is to make the trading name(s) public on the NZBN Register.

The rationale for this proposal and privacy impact issues are essentially the same as for the legal entity name proposal (see above) – hence we will not repeat any of that earlier discussion here. However, we note that key stakeholders have told us that allowing unincorporated NZBN entities and their Directors/Owners to use trading names to remain unidentifiable to the public and/or authorities is a serious concern because doing so provides significant opportunities for fraud, money laundering and fronts for other serious criminal activities.

We also note that not making trading names public PBD could frustrate ongoing efforts to achieve mutual recognition of business identifiers with Australia – where all business names must be registered, and transparency is required about who controls the business and its finances.

PROPOSAL 4.12: PHONE NUMBER

No change except to add a purpose description *"To identify the contact phone numbers for the NZBN entity and the primary purpose of each number (if there is more than one)"* (for the same reasons outlined in Part 2 of this document)

PROPOSAL 4.13: EMAIL

No change except to add a purpose description *"To identify the email addresses for the NZBN entity and the primary purpose of each email address (if there is more than one)"* (for the same reasons outlined in Part 2 of this document).

PROPOSAL 4.14: OTHER ADDRESSES

Remove this PBD item (for the same reasons outlined in Part 2 of this document).

PROPOSAL 4.15: AUSTRALIAN BUSINESS NUMBER (ABN)

No change except to add a purpose description *"To identify the NZBN entity's ABN (if any)"* (for the same reasons outlined in Part 2 of this document).

PROPOSAL 4.16: AUSTRALIAN COMPANY NUMBER (ACN)

Remove this PBD item (for the same reasons outlined in Part 2 of this document).

PROPOSAL 4.17: AUSTRALIAN SERVICE ADDRESS

Remove this PBD item.

Comment

The proposal (below) to add a New Zealand service address to the NZBN Register would make this item redundant. Also, the Australian service address is already maintained as non-public information on the Australian Business Register.

PROPOSAL 4.18: OWNER

Proposal 4.18.1: No change except to add a purpose description *“To identify the people, or other entities, who own the NZBN entity”* (for the same reasons outlined in Part 2 of this document).

Proposal 4.18.2: Make this PBD item public on the NZBN Register by shifting it from Part 2 of Schedule 4 to Part 2 of Schedule 3 of the NZBN Act.

Comment

For sole traders and trustees this item is the same as legal entity name. However, for partnerships it is the official names of the partners, as opposed to the partnership’s firm name.

For other unincorporated entities like community groups, this item will be the entity’s members or their equivalent as expressed in the entity’s rules.

The proposal to make this PBD item public on the NZBN Register is consistent with the objective of transparency around the legal owners of a business. It recognises that such owners may influence those controlling the business and its finances. Where there are many legal owners (e.g. members of an unincorporated entity) the source registers and the NZBN Register may not list all the owners individually. To confirm ownership details in those circumstances it will be necessary to obtain access to the relevant membership information.

As the owners of most unincorporated entities (e.g. sole traders and trustees) are the same as the legal entity, this proposal needs to be considered alongside the proposal (above) to make the legal entity name public PBD. The same privacy impact protections and mitigations would apply.

PROPOSAL 4.19: GST NUMBER

Add to Part 2 of Schedule 4 of the NZBN Act a new PBD item GST number with the purpose description *“To identify the entity’s GST number(s), if any”* (for the same reasons outlined in Part 2 of this document).

PROPOSAL 4.20: ADDRESS FOR SERVICE

Add to Part 2 of Schedule 4 of the NZBN Act a new PBD item **Address for service** with the purpose description *“To identify the NZBN entity’s physical address in New Zealand at which writs, summons, notices and other legal documents can be served (as appropriate) on the entity, its management/employees and/or its director(s) or owner(s)”* (for the same reasons outlined in Part 2 of this document).

PROPOSAL 4.21: OFFICE ADDRESS

Add to Part 2 of Schedule 4 of the NZBN Act a new PBD item **Office address** with the purpose description *“To identify the address where the NZBN entity’s administrative headquarters are located”* (for the same reasons outlined in Part 2 of this document).

Proposed changes to other PBD for unincorporated entities

(SCHEDULE 4, PART 2)

PROPOSAL 4.22: DELIVERY ADDRESS

Add to Part 2 of Schedule 4 of the NZBN Act a new PBD item **Delivery address** with the purpose description *“To identify the primary, physical address at which the NZBN entity wishes to receive physical deliveries of ‘goods’ and other items that are not postal deliveries”* (for the same reasons outlined in Part 2 of this document).

PROPOSAL 4.23: INVOICE ADDRESS

Add to Part 2 of Schedule 4 of the NZBN Act a new PBD item **Invoice address** with the purpose description *“To identify the address the NZBN entity uses to receive deliveries of invoices”* (for the same reasons outlined in Part 2 of this document).

PROPOSAL 4.24: PAYMENT BANK ACCOUNT

Add to Part 2 of Schedule 4 of the NZBN Act a new PBD item **Payment bank account** with the purpose description *“To identify the primary bank account the NZBN entity uses to receive payments”* (for the same reasons outlined in Part 2 of this document).

Appendix 1: Submission template

Information for submitters

We welcome your written feedback. The deadline for submissions is **5.00pm on Wednesday 20 June 2018**.

Your submission may become publicly available information. For this reason, you should indicate clearly in your covering email if your comments are commercially sensitive or if, for some other reason, you do not consider that they should be disclosed. Any request for non-disclosure would be considered under the Official Information Act 1982 and the Privacy Act 1993.

This submission template is available at: <http://www.mbie.govt.nz/info-services/business/better-for-business/proposed-changes-to-nzbn-primary-business-data/consultation/submission-template.docx>

Please open and save your own copy of the template, make submissions on any of the proposals you wish, and email it to us at pbdreview@nzbn.govt.nz.

We strongly prefer submissions utilising this template. If you cannot do that you may email or write to us. To help with our analysis please clearly indicate which proposal(s) your submission is responding to. As noted above our email address is pbdreview@nzbn.govt.nz.

The postal address for submissions is:

*Joanne Hogan
NZBN Director
NZBN Primary Business Data Review
Ministry of Business Innovation and Employment
PO Box 1473
Wellington 6140
NEW ZEALAND*

After the deadline for submissions has passed, we will analyse all submissions. The views expressed in the submissions will be considered when the final proposals are developed and considered by responsible Ministers and Cabinet.

Submitter name and details

Please type in your details in the table below, or print clearly before scanning

Name of the person completing this submission	
Name of the organisation you represent	
If your organisation is a business with an NZBN, please enter your NZBN here	
Daytime phone number	
Email	
Postal address	

Please type in your submissions and save a copy before emailing it to us.

General questions and responses to the NZBN PBD change proposals

This section of the submission template enables you to provide general feedback on the overall package of PBD change proposals and to answer some consultation questions.

QUESTION 1

Do you agree that changes are needed to the NZBN PBD? Please explain your answer.

Answer:

QUESTION 2

Do you think that, over time, PBD changes will help to encourage more businesses to use the NZBN? Please explain your answer.

Answer:

QUESTION 3

Do you agree that a 'persistence' criterion should continue to be applied in determining what is included as PBD on the NZBN Register, even if it means that data like the number of employees would not be included? Please explain your answer.

Answer:

QUESTION 4

Are there any potential privacy impacts associated with the change proposals, not referred to in the discussion document, that also need to be considered? Please identify those impacts and how you consider they could best be managed.

Answer:

QUESTION 5

Do you agree that new legislation enabling suppression of public PBD to protect individual safety and wider public interests is an appropriate approach to managing potential privacy impacts? Please explain your answer.

Answer:

QUESTION 6

Specifically, what do you think should be the grounds for suppressing PBD that would otherwise be public on the NZBN Register? Please explain your answer.

Answer:

QUESTION 7

Apart from potential privacy impacts, do you have any other concerns about how the proposed changes might impact on a type or group of NZBN entities? Please explain your answer.

Answer:

QUESTION 8

Do you have any other general comments about the PBD change proposals? If so, please insert your comments here before making your submissions on the specific, numbered proposals.

Answer:

Submissions on specific, numbered NZBN PBD change proposals

This section of the submission template enables you to comment on some, or all, of the numbered proposals in the discussion document.

Please ensure you insert your comments in the correct table and table row. The proposal numbers in the table correspond with the numbers in the discussion document. Please also include a brief explanation for each of your submissions.

Submissions on proposals for public PBD for corporate and public entities (Schedule 3, Part 1)

Proposal number	Your submission and explanation
1.1	
1.2	
1.3	
1.4	
1.5	
1.6	
1.7	
1.8	

Submissions on proposals for other PBD for corporate and public entities (Schedule 4, Part 1)

Proposal number	Your submission and explanation
2.1.1	
2.1.2	
2.2	
2.3	
2.4	
2.5	
2.6	
2.7.1	
2.7.2	
2.8.1	
2.8.2	
2.9	
2.10	
2.11	
2.12	
2.13	
2.14	
2.15.1	
2.15.2	
2.16	
2.17	
2.18	
2.19	
2.20	
2.21	

QUESTION 9

Keeping in mind the review criteria and principle outlined in this document, please identify any other PBD alterations or additions you consider should be made for corporate and public entities. Please explain your answer.

Answer:

Submissions on proposals for public PBD for unincorporated entities (Schedule 3, Part 2)

Proposal number	Your submission and explanation
3.1	
3.2	
3.3	
3.4	
3.5	

QUESTION 10

It has been suggested that public PBD for unincorporated entities should also include an anonymous contact point for the business (e.g. an "info@" email address). Do you agree with this suggestion? Please explain your answer.

Answer:

Submissions on proposals for other PBD for unincorporated entities (Schedule 4, Part 2)

Proposal number	Your submission and explanation
4.1.1	
4.1.2	
4.2.1	
4.2.2	
4.3	
4.4	
4.5	
4.6	
4.7	
4.8	
4.9.1	
4.9.2	
4.10.1	
4.10.2	
4.11.1	
4.11.2	
4.12	
4.13	
4.14	
4.15	
4.16	
4.17	
4.18.1	
4.18.2	
4.19	

4.20	
4.21	
4.22	
4.23	
4.24	

QUESTION 11

Keeping in mind the review criteria and principle outlined in this document, please identify any other PBD alterations or additions you consider should be made for unincorporated entities. Please explain your answer.

Answer:

Appendix 2: Comparison of current NZBN PBD and Australian Business Register data

NZBN PBD Item	NZ Corp Public	NZ Unincorp Public	Australian Equivalent (Public)	NZ Corp Private	NZ Unincorp Private	Australian Equivalent (Non-Public)	Other Australian Inclusions (Public)	Other Australian Inclusions (Non-Public)
<i>Legal entity name</i>	●		<i>Entity legal name</i>		●			
<i>Trading name or names</i>	●		<i>Registered business name Trading name¹⁸</i>		●			
<i>Registered address</i>	●				●	<i>Mailing address for the service of notices</i>		
<i>Location identifier</i>	●	●	<i>Postcode of the main business address State of the main business address</i>					
<i>NZBN</i>	●	●						
<i>Start date</i>	●	●	<i>ABN registration – date of effect (or cancellation, if applicable) of the ABN registration</i>					
<i>Kind of entity</i>	●	●	<i>Entity type (for example, individual/sole trader, superannuation fund, company, trust)</i>					
<i>Status</i>	●	●	<i>ABN registration – status of the ABN registration</i>					
<i>Industry classification</i>				●	●	<i>Australian & New Zealand Standard Industrial Classification (ANZSIC) code and description</i>		
<i>GST status</i>			<i>GST registration – status (if applicable)</i>	●	●			
<i>GST effective date</i>			<i>GST registration – date/s of effect and cancellation (if applicable)</i>	●	●			
<i>Postal address</i>				●	●	<i>Mailing address for the service of notices</i>		
<i>Physical address</i>				●	●	<i>Business address - main</i>		
<i>Principal place of activity</i>				●	●	<i>Business address - main</i>		
<i>Director(s)</i>				●	●	<i>Associates' details (names and types of associates – for example: public officers, directors, partners or trustees associated with the entity)</i>		
<i>Website</i>				●	●			

¹⁸ The ABR ceased collecting and updating trading names from 28 May 2012. Trading names currently on the register will be displayed until November 2018.

NZBN PBD Item	NZ Corp Public	NZ Unincorp Public	Australian Equivalent (Public)	NZ Corp Private	NZ Unincorp Private	Australian Equivalent (Non-Public)	Other Australian Inclusions (Public)	Other Australian Inclusions (Non-Public)
<i>Phone number</i>				●	●	<i>Telephone numbers</i>		
<i>Email</i>				●	●	<i>Email address</i>		
<i>Other address(es)</i>				●	●	<i>Business address – additional locations</i>		
<i>Australian Business Number</i>			<i>ABN</i>	●	●			
<i>Australian Company Number</i>			<i>Australian Company Number or Australian Registered Body Number (if applicable)</i>	●	●			
<i>Australian service address</i>				●	●	<i>Mailing address for the service of notices</i>		
<i>Owner</i>				●	●	<i>Associates' details (names and types of associates – for example: public officers, directors, partners or trustees associated with the entity) Authorised contact details¹⁹</i>		
							<i>Approved worker entitlement fund status (if applicable)– entity status as a (trust) fund for employee long service leave, sick leave or redundancy payments</i>	<i>Geocoding (latitude and longitude of business addresses and additional locations)</i>
							<i>Australian Charities and Not-for-profits Commission (ACNC) registration – status and date of effect (if applicable)</i>	
							<i>Deductible gift recipient – fund name, status and date/s of effect and cancellation (if applicable)</i>	
							<i>Income tax exempt fund status (if applicable)</i>	
							<i>Registrable Superannuation Entity (RSE) Licensees status (if applicable)</i>	
							<i>Registrable Superannuation Fund (RSF) status (if applicable)</i>	



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