

Submission by



to the

Ministry of Business, Innovation and Employment

on the

**Discussion Document: Publication of Directors'
Residential Addresses on the Companies Register**

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DISCUSSION DOCUMENT: PUBLICATION OF DIRECTORS' RESIDENTIAL ADDRESSES ON THE COMPANIES REGISTER SUBMISSION BY BUSINESSNZ¹

1. Introduction

- 1.1 BusinessNZ welcomes the opportunity to respond to the above Discussion Document prepared by the Ministry of Business, Innovation and Employment.

2. General comment

- 2.1 A number of BusinessNZ's members have expressed concern over the ready access to directors' residential addresses provided via the companies' register. The Discussion Document's assurance that specific safety and security incidents or use of personal data for fraudulent purposes are rare is noted, but with legislative changes, such as greater director liability under the Health and Safety at Work Act, there is reason to suppose that in the future this might not always be the case.
- 2.2 BusinessNZ would therefore like to endorse the New Zealand Bankers' Association (NZBA's) submission and its support both for the ability of directors to have the companies register show an address for service rather than their residential address and for the introduction of a director identification number (DIN).
- 2.3 BusinessNZ's response to the Discussion Document's specific questions is set out in Annex 1.

¹ Background information on BusinessNZ is attached as Appendix Two.

Annex 1

1 Do you have any comments of our assessment of the options for approaching directors' residential addresses on the Companies Register?

If the difference of impact on the integrity of the system is minimal as between option 1 and option 2, then option 2 is to be preferred as it relieves the Registrar (and the director concerned) of what might otherwise be quite an onerous task and speeds up the opt out process. An address for service provides its own integrity and will often be more correct, if the intention is to contact the director concerned, than an out-of-date residential address. Accompanied by a DIN, an address for service is an entirely satisfactory means of identifying a director's identity.

2 What is your preferred option?

As above. Option 2 is strongly supported.

3 Are there interested parties who may have a legitimate reason to need to access directors' residential addresses? If so, who?

See NZBA's response.

4 Is there a public interest in directors' residential addresses being provided to third parties such as journalists?

No. There are other means of finding out someone's residential address if a particular person or persons is, or are, minded to do so.

5 Under what circumstances should directors' residential addresses be released to an interested party?

Residential addresses should be released only if there is a legal obligation to do so or with the director's clear consent.

6 Do you agree that government departments and agencies should have automatic access to directors' residential addresses?

Government departments and agencies should not have automatic access to directors' residential addresses. Entitlement should depend on the need to access for law enforcement purposes.

7 Should this access be limited to the enforcement of law or are there other situations where it may be appropriate for government departments and agencies to have access to directors' residential addresses?

As above. Access should be for law enforcement purposes only.

8 Are there other factors which you think should be included in considering approaches to directors' residential addresses in historic documents?

See NZBA's response to question 9.

9 Do you agree with our preferred approach to historic documents on the companies register?

See NZBA's response. The need to obtain and provide supporting evidence could prolong the process of having a residential address removed from the Register causing problems for the director concerned (or the director's family).

10 Have you encountered situations where you consider that members of the public have abused this provision? If so, please provide details.

Not personally, but cases of abuse have been reported. For that kind of reason, if the requirement to provide a residential address is replaced by an address for service requirement, a similar change to s215 of the Companies Act would also be in order.

11 Do you agree that shareholders' residential addresses should be treated the same way as directors' residential addresses (ie replaced with an address for service)?

Yes. The same arguments apply here as they do to the treatment of directors' residential addresses.

12 Are there circumstances where third parties might have a legitimate interest in the residential address of a shareholder?

See NZBA's response.

13 Do you think any changes need to be made to the residential address requirements for officers of other types of entities?

See NZBA's response.

Annex 2

Background information on BusinessNZ



BusinessNZ is New Zealand's largest business advocacy body, representing:

- Regional business groups [EMA](#), [Business Central](#), [Canterbury Employers' Chamber of Commerce](#), and [Employers Otago Southland](#)
- [Major Companies Group](#) of New Zealand's largest businesses
- [Gold Group](#) of medium sized businesses
- [Affiliated Industries Group](#) of national industry associations
- [ExportNZ](#) representing New Zealand exporting enterprises
- [ManufacturingNZ](#) representing New Zealand manufacturing enterprises
- [Sustainable Business Council](#) of enterprises leading sustainable business practice
- [BusinessNZ Energy Council](#) of enterprises leading sustainable energy production and use
- [Buy NZ Made](#) representing producers, retailers and consumers of New Zealand-made goods

BusinessNZ is able to tap into the views of over 76,000 employers and businesses, ranging from the smallest to the largest and reflecting the make-up of the New Zealand economy.

In addition to advocacy and services for enterprise, BusinessNZ contributes to Government, tripartite working parties and international bodies including the International Labour Organisation ([ILO](#)), the International Organisation of Employers ([IOE](#)) and the Business and Industry Advisory Council ([BIAC](#)) to the Organisation for Economic Cooperation and Development ([OECD](#)).