

Submission on discussion document: *Publication of Directors' Residential Addresses on the Companies Register*

Your name and organisation

| | |
|---------------------|----------------------------------|
| Name | Jillian Walsh, Corporate Counsel |
| Organisation | Public Trust |

Please select if your submission contains confidential information:

I would like my submission (or specified parts of my submission) to be kept confidential, and attach my reasons for this for consideration by MBIE.

Responses to discussion document questions

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| 1 | Do you have any comments of our assessment of the options for approaching directors' residential addresses on the Companies Register? |
| | We agree with MBIE's assessment of the options, however query why option 2 may incur initial administrative costs if some directors choose to acquire an address for service (refer paragraph 63). Could this be referring to the cost of using a third party as an address for service? We do not expect there would be any additional Companies Office fees/cost for a director to register an address for service. |
| 2 | What is your preferred option? |
| | We prefer option 2 as we believe it strikes an appropriate balance between integrity, efficiency and protecting the privacy of directors. |
| 3 | Are there interested parties who may have a legitimate reason to need to access directors' residential addresses? If so, who? |
| | We do not believe that there are any other interested parties other than those listed in paragraph 75. |
| 4 | Is there a public interest in directors' residential addresses being provided to third parties such as journalists? |
| | For public interest purposes, we would expect the director to be contactable via the company or their address for service such that an additional avenue (via their residential addresses) should not be required. |
| 5 | Under what circumstances should directors' residential addresses be released to an interested party? |

In order to uphold the safety/security objective and avoid the misuse of directors' residential addresses, we believe there should be steps to verify the requester's identity and the capacity/role in which they are seeking release of the director's residential address. The Companies Office could also seek an undertaking or agreement of confidence for use of the information.

We also suggest that to support the confidentiality/use agreement, there should be a penalty for misrepresenting the purpose for which the information is obtained, or misuse of the information.

6

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

We do not have any issues with providing government departments and agencies automatic access to directors' residential addresses for law enforcement purposes only, provided access is controlled/limited to employees who need the information.

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?

Yes, unless there are other exceptional circumstances in which the government department or agency requires the information to fulfil function.

8

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

No, we consider that the most relevant factors have been considered.

9

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

While we understand why the preferred approach to historic documents is necessary, we are concerned that it will not achieve the ultimate objective of safety/security for directors. In particular directors who may not change their residential addresses for many years and who do not currently have any safety concerns. We prefer Option B, with priority given to directors with genuine safety concerns.

10

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

For the ultimate objective of safety/security for directors to be effective, there should not be an obligation on companies to disclose the residential addresses to members of the public who request the information.

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)?

We agree, particularly where the director and shareholder is the same individual.

12

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

We believe the same considerations as for directors' residential addresses would apply.

13

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

We believe a consistent approach should be taken to officers of other types of entities.

Other comments