

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

Your name and organisation

| | |
|--------------|--------------------------|
| Name | Julie Fowler |
| Organisation | Simmonds Stewart Limited |

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

| | |
|---|---|
| 1 | <p>Do you have any comments of our assessment of the options for approaching directors' residential addresses on the Companies Register?</p> <p><i>Option 1 is not a practical solution for the following reasons:</i></p> <ul style="list-style-type: none">▲ <i>as proposed, where the reason for seeking withholding of residential address details is to protect the safety of the director and her family, a threat (or other incident) would need to have occurred before an application for removal could be made. Often the reason for seeking to withhold that information is to prevent any security incidents occurring;</i>▲ <i>as proposed, the reasons for withholding address details do not include maintaining privacy. This is of particular concern to high profile directors who would prefer that their residential addresses were not made available to the public;</i>▲ <i>the decision to remove the address will by necessity need to be made at the discretion of the Registrar of Companies, so there would be no certainty of outcome; and</i>▲ <i>any application for withholding a residential address would take time to be considered, and would cause delays in circumstances where often time is of the essence.</i> |
| 2 | <p>What is your preferred option?</p> <p><i>Option 2.</i></p> |
| 3 | <p>Are there interested parties who may have a legitimate reason to need to access directors' residential addresses? If so, who?</p> <p><i>No comment.</i></p> |

| | |
|----|--|
| 4 | Is there a public interest in directors' residential addresses being provided to third parties such as journalists? |
| | <i>No. Often the reason high profile directors wish to withhold a residential address is to maintain privacy. Providing address details to journalists would destroy that privacy.</i> |
| 5 | Under what circumstances should directors' residential addresses be released to an interested party? |
| | <i>No comment.</i> |
| 6 | Do you agree that government departments and agencies should have automatic access to directors' residential addresses? |
| | <i>No comment.</i> |
| 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? |
| | <i>No comment.</i> |
| 8 | Are there other factors which you think should be included in considering approaches to directors' residential addresses in historic documents? |
| | <i>No comment.</i> |
| 9 | Do you agree with our preferred approach to historic documents on the companies register? |
| | <i>Yes. The alternative would impose a significant burden on the Registrar of Companies and would apply to situations where changes to an address may not be required. This preferred approach introduces an improvement on the status quo, in that a director may apply to have historic records which include their residential address removed, without imposing obligations on the Registrar of Companies when the removal of an address is not requested or required.</i> |
| 10 | Have you encountered situations where you consider that members of the public have abused this provision? If so, please provide details. |
| | <i>Yes. A client of ours has, on several occasions, received threats of violence against him at his residential address (via letters). These threats were from users of his company's products. The client reported these threats to the police who undertook investigations. However, no action could be taken to remove his residential address from the Companies Office website to protect against future threats, or actual violence.</i> |
| 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)? |
| | <i>Yes, the same rationale for directors' addresses applies to shareholders' addresses. There would be no point allowing directors to remove their residential addresses, if shareholders addresses were required to remain, as these are often the same.</i> |
| 12 | Are there circumstances where third parties might have a legitimate interest in the residential address of a shareholder? |

No comment.

13

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

No comment.

Other comments

No further comments.