

Protection of Identity Details for Individuals Involved in Companies

3 April 2018

INTRODUCTION

The Government is to introduce laws to allow personal addresses to be removed from the publicly available information at Companies House. It is believed the laws will come into force by the end of summer 2018. The law is aimed at tackling fraudulent use of personal information.

WHO CAN BENEFIT?

Residential addresses for the following individuals will be able to be removed:

- Directors
- Secretaries
- PSCs
- Subscribers, current or former members;
- Permanent representatives of permanent establishments;
- Person who registered a charge.

The address will be removed except for the first part of the postcode (or information in the address that denotes a geographical area which is equivalent or larger than the area represented by the first part of the postcode). There will be no requirement to demonstrate the risk of violence or intimidation, which is required under the current provisions.

The current provisions do not remove details on documents filed before 1 January 2003. In contrast the proposed new provisions will allow any residential address to be removed, regardless of the date the document was filed at Companies House.

HOW TO MAKE AN APPLICATION

An application for an address to be removed must be made to Companies House. The application must contain the following details:

- Name and former names of director;
- The residential address to be removed;
- Name and registered number of all relevant companies;
- In respect of each company:
 - o Name of the document on which the residential address appears (e.g. AP01 – appointment of director) and, where the document is a form, the number and title of the form; and
 - o Registration date of the document.

- For companies required to maintain a current address for the individual on the register (e.g. the director), the service address which is to replace the residential address;
- Date of birth; and
- Where applicant has allotted unique identifier it should be provided.

SAFEGUARDS CURRENTLY AVAILABLE

DIRECTORS/SECRETARIES

Directors must always provide correspondence and residential addresses, whereas secretaries are only required to provide the correspondence address. The correspondence address is normally an officer's service address and will often be the same as the registered office. For minimal disclosure of personal details, it is best for the correspondence/service address to be the registered office, rather than a residential or personal address.

Both registered office and service/correspondence addresses are in the public domain and anyone can easily access them via the Companies House website. Even though the registered office or service address may not be denoted as residential, modern technology makes it easy to work out whether an address is residential.

An officer's residential address is not in the public domain but can be accessed by some public authorities and credit reference agencies. Protection can be applied for so that residential address are not disclosed to credit reference agencies. The application requires that a person living at the address be at serious risk of violence or intimidation. As mentioned above, the proposed new laws do not include this requirement.

PSCS (PERSONS WITH SIGNIFICANT CONTROL)

PSCs are required to disclose the same address information as directors. Correspondence addresses are disclosed on the website and residential addresses are disclosed only to some public authorities and credit reference agencies. In a very similar way to directors, protection can be obtained to restrict disclosure to credit reference agencies.

SHAREHOLDERS

Where an individual holds shares, their address may have been provided and continue to be disclosed. More recently, the shareholder's address is only provided at incorporation and not where shares have subsequently been transferred or issued to them. It should be noted that the law does not require the address to be the personal residential address of the shareholder, as it does for directors. It is sufficient for a correspondence address to be given. Where a personal residential address has been given, it will be possible to remove this under the new rules as described above.

ACTION TO TAKE

The registered office and service addresses should be reviewed to check for residential addresses.

Once the new rules in place, historical records can be reviewed followed by appropriate applications for removal of residential addresses.

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