

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

## Your name and organisation

Name	LUKE ATKINS
Organisation	

## 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	Do you have any comments of our assessment of the options for approaching directors' residential addresses on the Companies Register?
2	What is your preferred option? <b>Option 2</b>
3	Are there interested parties who may have a legitimate reason to need to access directors' residential addresses? If so, who? <b>NONE</b>
4	Is there a public interest in directors' residential addresses being provided to third parties such as journalists? <b>NONE</b>
5	Under what circumstances should directors' residential addresses be released to an interested party? <b>NONE</b>
6	Do you agree that government departments and agencies should have automatic access to directors' residential addresses? <b>YES</b>
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?
	<b>Law Enforcement only</b>
8	Are there other factors which you think should be included in considering approaches to directors' residential addresses in historic documents?
	<b>Unless the Director has moved, leaving historic records of residential addresses available undermines the whole Safety and Security objectives for making the change</b>
9	Do you agree with our preferred approach to historic documents on the companies register?
	<b>No, option B is strongly preferable. HOWEVER there should be and Option C, in which residential addresses should be automatically suppressed for all Directors</b>
10	Have you encountered situations where you consider that members of the public have abused this provision? If so, please provide details.
	<b>FIRST EXAMPLE</b> <p>I have personally had former customers knock on my door demanding refunds from a business that I was a Director of, and I knew for a fact that they were in no way entitled to the refunds that they were demanding. It is important to understand that they were NOT in any way using the address for its intended purpose of serving documents, rather they were simply ABUSING the publicly available residential address for the purpose of INTIMIDATION thinking that by turning with a group of thug like looking men in tow, and shouting that they would get what they demanded. This is New Zealand and I should have never needed to have to stand my ground in the face of such disgusting behaviour, especially on the doorstep of my family home with young children behind me highly unsettled and wondering what on earth was going on.</p> <p>Following this I contacted the companies office to enquire about what discretionary options may be available for my residential address not to be made publicly available and was advised that no such option existed.</p>
	<b>SECOND EXAMPLE</b> <p>I know a NZ Citizen who is a blogger who a one point heavily criticized the Chinese Communist Government repeatedly over a period of time. Somehow his blog hosting was then knocked offline by a sophisticated denial of service type of attack. It didn't take a rocket scientist to guess who would have had a strong motivation (and the resources) to instigate such an attack. He was also a NZ company Director and was thus naturally greatly unsettled to realise that whomever launched the attack, also had easy access to his residential/family address courtesy of the NZ Companies Office.</p>
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)?
	<b>YES</b>
12	Are there circumstances where third parties might have a legitimate interest in the residential address of a shareholder?
	<b>NONE</b>

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

**The Law / Policy should be consistent for all entity types**

## Other comments

In addition to what happened to me personally (as detailed in example one in my answer to Question 10) my second motivation for making this submission is PRIVACY, SAFETY, SECURITY considerations and the effect on FREEDOM OF SPEECH when Privacy, Safety & Security are not protected (the current situation). The second example I provided in answer to question 10 only scratched the surface...

We now live in a GLOBAL WORLD in which our PRIVACY is under constant threat with any personal information that is published intentionally or otherwise being accessible literally to anyone in the world with an internet connection including;

- A) Ruthless/Dodgy FOREIGN GOVERNMENTS e.g. China, Iran etc
- B) TERRORIST GROUPS e.g. ISIS
- C) CRIMINALS, SCAM ARTISTS etc of various types
- D) Sick or demented people such as STALKERS, RAPISTS and PAEDOPHILES etc

Now in case you're wondered what on earth a NZ Director would have to fear from such people/entities lets I give you some examples about the reality of the brave new world in which we now live...

Mr X is a NZ Director who also runs a Youtube Channel. Imagine in the said channel;

- i) Mr X in exercising his Freedom of Speech, heavy and frequently criticises a Foreign Government on his channel ?
  - e.g. Russians living in the UK (who had become UK citizens) known for being outspoken in there criticism of the Kremlin who ended up dead by suspicious means
- ii) Mr X again in exercising Freedom of Speech criticises Islam on his channel ?
  - e.g. *Charlie Hebdo* controversies & attacks (Murders) that followed a cartoonist daring to excise Freedom of Speech and mocking a religious figure
- iii) By Mr X becoming a Public Figure as a result of the said Youtube channel thus potentially attracting Scam Artists etc trying to trick people who trust Mr X who will happily utilize all publicly available information provided to them

- iv) Mr X publishing photos or video of his children on social media (as so many people do) potentially attracting stalkers, paedophiles etc who can easily obtain his residential/family address courtesy of the NZ Companies Office

One would hope that Mr X's own Governments Departments did not themselves make publicly available Mr X's residential address and that of his family, however that is exactly the CURRENT SITUATION in NZ if our example Mr X were also a Director of an NZ Company !

For anyone who wants to dismiss the above examples as unrealistic, I submit to you that it would be both Foolish and Naive to think that we still live in the same world that existed when the current rules were formulated.

It is EXTREMELY IMPORTANT that Directors Residential Addresses CEASE to be made publicly available ASAP (including historic records). To fail to do so in this modern world would be both RECKLESS and IMMORAL.

I would also further submit to you that protecting the Privacy of Directors would also increase the ACCURACY of the records, as who in good conscience could criticise Mr X under the current rules, if he were to elect not to accurately advise his families actual address ? i.e. if he were to put his families safety before an outdated legal requirement.

Mr X, in this example should not have to be put in the position of choosing between protecting the Safety and Security of his own family VS complying with an outdated and dangerous law simply because he either becomes a Public Figure and/or exercises his Freedom of Speech or publishes family content as many people now do such as on Facebook and on Youtube. I submit to you that many NZ Directors have already been put in exactly that position under the current outdated rules.

It's a new world for better or worse and Government Departments must ensure that NZ citizens PRIVACY, SAFETY/SECURITY and FREEDOM OF SPEECH are protected at all costs. Protecting its citizens is after all supposed to be the primary purpose/responsibility of the Government and the current outdated rules leave NZ Citizens who also are company directors vulnerable. The sooner this is resolved the better.