

## **Information Released under Freedom of Information Act**

**Subject:** Request for statistics relating to 'date of birth' being made available by Companies House

**Date Released:** 17 May 2016

**Summary of request:** The enquirer requested statistics relating to 'date of birth' being made available by Companies House

### **Information Released**

You have asked the following questions relating to director's date of birth being made available.

**1. How many persons have complained in the last 48 months about their date of birth being made available?**

**1a. How many persons have complained in the last 48 months about their date of birth being published?**

In respect of the above questions I have been advised that Companies House (CH) has only held specific date of birth complaint figures since August 2015.

For the requested period CH hold figures on complaints regarding personal details being made available. The majority of these complaints are regarding dates of birth and addresses that CH make available, but to a far lesser extent also include complaints relating to nationality and signatures that are made available. The figures for the last four financial years are below:

Personal details complaints:

2012/2013 - 883

2013/2014-1194

2014/2015 -1217

2015/2016-2151

Specific date of birth complaints since August 2015 – 845

**2. How many dates of births has Companies House removed of former directors?**

**2a. How many dates of births has Companies House removed of present directors?**

**3. Under what circumstances were those dates of births removed?**

In respect of the above questions, I have been advised that a factual date of birth would not be able to be removed from a company's records. However, I have made enquiries with the Registrar's Powers team who have confirmed that they deal with requests for the removal of an incorrect date of birth as part of an application to rectify the register but this action would be followed by a filing giving the correct date of birth. These rectifications would only be accepted in respect of live companies on the register.

The Registrar's Powers team do not hold statistics on the number of applications of this nature they have dealt with.

#### **4. Under what legislation is Companies House relying on to make available directors date of births?**

Section 1080 of the Companies Act 2006 ("the Act") requires the registrar to enter into the register information contained in documents delivered to the registrar under any enactment. Section 1085 of the Act gives any person the right to inspect the register (except for information specified in section 1087, which is not made publically available).

An amendment to the Act by the Small Business, Enterprise and Employment Act 2015 means that going forward, only a director's year and month of birth should be made publically available. This was achieved by redesigning our forms and by adding a person's **day** of birth to the list of restricted information in S.1087. This change came into force from 10/10/2015, however your day of birth was entered onto the register prior to this date and so the registrar is not required to redact it from previously filed documents.

#### **5. Under what legislation is Companies House relying on to make available former directors date of births?**

The registrar makes the information of former directors available under the exact same legislation as listed above. He is required to make this information available for the duration of the company's existence (and a period of time thereafter - which is specified in the Act as a minimum of 2 years after dissolution). However, the current agreement with The National Archives (TNA) requires us to transfer a selection of dissolved company records 20 years after the date of dissolution. This policy, along with our own retention policy for dissolved company records, is currently being reviewed. As an interim measure, we have made changes to the CH Beta service so that historic dissolved company information, older than 6 years, is no longer displayed, although this information is still available through our other search services.