



# Small Business, Enterprise and Employment Act 2015

## 2015 CHAPTER 26

### PART 8

#### COMPANY FILING REQUIREMENTS

##### *Information about dates of birth*

#### **96 Protection of information about a person's date of birth**

- (1) Part 35 of the Companies Act 2006 (the registrar of companies) is amended as follows.
- (2) In section 1087 (material not available for public inspection), in subsection (1), after paragraph (d) insert—
  - “(da) information falling within section 1087A(1) (information about a person's date of birth);”.
- (3) After that section insert—

#### **“1087A Information about a person's date of birth**

- (1) Information falls within this subsection at any time (“the relevant time”) if—
  - (a) it is DOB information,
  - (b) it is contained in a document delivered to the registrar that is protected at the relevant time as regards that information,
  - (c) the document is one in which such information is required to be stated, and
  - (d) if the document has more than one part, the part in which the information is contained is a part in which such information is required to be stated.

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- (2) “DOB information” is information as to the day of the month (but not the month or year) on which a relevant person was born.
- (3) A “relevant person” is an individual—
  - (a) who is a director of a company, or
  - (b) whose particulars are stated in a company’s PSC register as a registrable person in relation to that company (see Part 21A).
- (4) A document delivered to the registrar is “protected” at any time unless—
  - (a) it is an election period document,
  - (b) subsection (7) applies to it at the time, or
  - (c) it was registered before this section comes into force.
- (5) As regards DOB information about a relevant person in his or her capacity as a director of the company, each of the following is an “election period document”—
  - (a) a statement of the company’s proposed officers delivered under section 9 in circumstances where the subscribers gave notice of election under section 167A (election to keep information on central register) in respect of the company’s register of directors when the statement was delivered;
  - (b) a document delivered by the company under section 167D (duty to notify registrar of changes while election in force).
- (6) As regards DOB information about a relevant person in his or her capacity as someone whose particulars are stated in the company’s PSC register, each of the following is an “election period document”—
  - (a) a statement of initial significant control delivered under section 9 in circumstances where the subscribers gave notice of election under section 790X in respect of the company when the statement was delivered;
  - (b) a document containing a statement or updated statement delivered by the company under section 790X(6)(b) or (7) (statement accompanying notice of election made after incorporation);
  - (c) a document delivered by the company under section 790ZA (duty to notify registrar of changes while election in force).
- (7) This subsection applies to a document if—
  - (a) the DOB information relates to the relevant person in his or her capacity as a director of the company,
  - (b) an election under section 167A is or has previously been in force in respect of the company’s register of directors,
  - (c) the document was delivered to the registrar at some point before that election took effect,
  - (d) the relevant person was a director of the company when that election took effect, and
  - (e) the document was either—
    - (i) a statement of proposed officers delivered under section 9 naming the relevant person as someone who was to be a director of the company, or

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- (ii) notice given under section 167 of the relevant person having become a director of the company.
- (8) Information about a person does not cease to fall within subsection (1) when he or she ceases to be a relevant person and, to that extent, references in this section to a relevant person include someone who used to be a relevant person.
- (9) Nothing in subsection (1) obliges the registrar to check other documents or (as the case may be) other parts of the document to ensure the absence of DOB information.

### **1087B Disclosure of DOB information**

- (1) The registrar must not disclose restricted DOB information unless—
  - (a) the same information about the relevant person (whether in the same or a different capacity) is made available by the registrar for public inspection as a result of being contained in another description of document in relation to which no restriction under section 1087 applies (see subsection (2) of that section), or
  - (b) disclosure of the information by the registrar is permitted by subsection (2) or another provision of this Act.
- (2) The registrar may disclose restricted DOB information—
  - (a) to a public authority specified for the purposes of this subsection by regulations made by the Secretary of State, or
  - (b) to a credit reference agency.
- (3) Subsections (3) to (8) of section 243 (permitted use or disclosure of directors' residential addresses etc by the registrar) apply for the purposes of subsection (2) as for the purposes of that section (reading references there to protected information as references to restricted DOB information).
- (4) This section does not apply to restricted DOB information about a relevant person in his or her capacity as someone whose particulars are stated in the company's PSC register if an application under regulations made under section 790ZG (regulations for protecting PSC particulars) has been granted with respect to that information and not been revoked.
- (5) "Restricted DOB information" means information falling within section 1087A(1)."