



An Roinn Fiontar,  
Turasóireachta agus Fostaíochta  
Department of Enterprise,  
Tourism and Employment

# Public Consultation on proposed changes to the Companies Act 2014 and related legislation

## Response Template

## **Section A: Proposed amendments to the Companies Act 2014**

### **Implications of the proposed changes for information maintained by companies:**

**Question A1:**

**Do you have any views on the intended approach relating to the maintenance by companies of address details of relevant officers?**

**Response:** The NUJ represents journalists working across all platforms in Ireland. In defending journalists and journalism we are committed to promoting transparency, accountability and professional standards.

We believe the proposal to remove the requirement for directors' and secretaries' usual residential addresses from company filings are a gross overreach which would only benefit those who wish to avoid scrutiny.

It is damaging to transparency and to the practice of public interest journalism. It also runs contrary to the spirit of the Programme for Government, which commits to strengthening democracy and supporting journalism, and to the principles of the European Media Act.

Journalists as a matter of course rely on searches of publicly available documents, including those filed at the Companies Registration Office (CRO), to correctly identify people, as part of their work.

Without access to an individual's usual residential address, it becomes very difficult to correctly identify individuals.

This potentially leaves other innocent individuals open to misidentification and leaves the journalist and their publication open to expensive legal action for defamation, should someone claim to have been misidentified.

In fact, it may mean that a story cannot be written at all, because an individual can no longer be correctly identified and differentiated from others with the same name. We are fearful of the chilling effect of the proposal on the practice of public interest journalism, which is predicated on truth and accuracy.

## Implications of the proposed changes for filing with the Companies Registration Office:

### Question A2:

**Do you have any views on the intended approach relating to the filing with, and maintenance by, the Companies Registration Office of address details of relevant officers?**

### Response:

It has been suggested that the newly proposed “contact address”, which would replace the usual residential address, would be sufficient to identify an individual in public filings. This is a fallacy.

If an individual chooses to give for example their trading company address. For example, there are 219 Patrick Murphys listed as directors, secretaries or owners of companies with the CRO. If one Patrick Murphy give a contact address of Patrick Murphy Ltd, 25 Wexford Road, Wexford - it only tells us only that Patrick Murphy is a director of the company Patrick Murphy Ltd which is in Wexford, but does not distinguish him from many of the other 218 by that name around Ireland.

Even worse, many directors and secretaries may choose to provide a generic address associated with their accountant or a company formation firm, who often have thousands of companies and individuals who give that same address. This is already a common tactic used to avoid scrutiny.

All this means that many stories that otherwise could have been written about individuals engaged in wrongdoing or sharp practice, never see the light of day.

**Restricted access to the “usual residential address”:**

**Question A3:**

**Do you have any views on the proposed list of entities that may be granted access to the “usual residential address” of relevant officers?**

**Response:**

The NUJ does not agree that access to the “usual residential address” should be restricted to certain categories, such as Gardaí, Revenue, etc.

We suggest an exception for journalistic use.

**Question A4:**

**Are there any other comments you wish to make on the proposed approach to dealing with the “usual residential address” of relevant officers?**

**Response:**

The National Union of Journalists (NUJ) wishes to express its alarm at the proposals in relation to the law on limited companies, cooperative societies, partnerships and business names.

The proposed changes pose a grave threat to the work of journalists and their ability to correctly identify individuals as they carry out reporting in the public interest.

This will leave journalists and publications unable to write many of the important stories that they currently do, and leaves them open to action for defamation by individuals who are misidentified despite their best efforts.

The NUJ also wishes to object to the short timeframe (three weeks) that was allowed for making submissions on this important matter.

**NOT JUST A THREAT TO JOURNALISM**

Outside of the work of journalists, the proposals also pose grave risks to both consumers and businesses.

For example, an individual may be engaged in fraud or sharp practice, but have not yet been publicly associated with their company, which is trading happily.

Many individuals and businesses will normally do due diligence on individuals via the CRO before engaging in business with them.

Without the ability to correctly identify someone through their usual residential address, they are deprived of this protection.

Added to this, if they can't read about it in the press, they may only find out the individual or business they are dealing with is rogue when it's too late.

#### RISK TO THE CRO ITSELF

Transparency is vital even to the proper functioning of the CRO itself.

We know that in recent years that it is only as a result of the work of journalists utilising full access to the CRO that the alarming prevalence of bogus companies and improper use of addresses and in some cases real people's names and premises addresses has been uncovered.

#### CONCLUSION

The proposal to remove the requirement for directors and secretaries of companies and other organisations to give a "usual residential address" for the purpose of publicly available company documents is the wrong one.

It will seriously restrict journalists' ability to correctly identify individuals who are the subject of journalism in the in the public interest.

Misidentification of individuals potentially leaves journalists and their publications open to action for defamation.

It will have a chilling effect on the media, meaning certain articles exposing wrongdoing and sharp practice cannot be written, because individuals involved cannot be correctly identified.

This will prevent bad actors being exposed publicly, meaning the public the Gardaí and bodies such as Revenue never become aware of them.

It also leave the public and other businesses vulnerable to rogue traders.

The NUJ opposes the creation of restricted categories which can access the “usual residential address”, but if it is created, then accredited journalists and publications should have this access in order to carry out their important work.

It is often only through the diligent work of journalists that wrongdoing and sharp practice become public knowledge, and it is only when they appear in the media after painstaking work that has relied on public records, that the Gardaí, Revenue or other authorities are alerted and finally take action.

Without the freedom of the press to access the tools it needs, such as full access to company filings, many important articles exposing wrongdoing will not be written, leaving the public, taxpayers, the government and society as a whole open to unchecked wrongdoing and sharp practice.

Already the short-lived Register of Business Names has been gutted through similar moves.

There appears to be a notion that ‘GDPR’ means that no information, or as little as possible, should be publicly available, ever.

This is not the case. Data laws are meant to protect the public, not keep them in the dark.

These proposed changes are a worrying rowing back of transparency that serve only those with something to hide.

## **Section B: Proposed changes to the Co-operative Societies Bill:**

### **Implications for information retained by a Co-operative Society:**

**Question B1:**

**Do you have any views on the intended approach relating to the maintenance by co-operative societies of address details of relevant officers?**

**Response: Same as response for question A1**

### **Implications of the proposed changes for information maintained by the Registrar of Co-operative Societies:**

**Question B2:**

**Do you have any views on the intended approach relating to the filing with, and maintenance by, the Registrar of Co-operative Societies of address details of relevant officers of co-operative societies?**

**Response: Same as response for A2**

**Restricted access to the “usual residential address”:**

**Question B3:**

**Do you have any views on the proposed list of entities that may be granted access to the “usual residential address” of relevant officers of co-operative societies?**

**Response: Same as response for A3**

**Question B4:**

**Are there any other comments you wish to make on the proposed approach to dealing with the “usual residential address” of relevant officers of co-operative societies?**

**Response: Same as response for A4**

## **Section C: Changes to the Registration of Limited Partnerships and Business Names Bill:**

### **Implications for information retained by the LP:**

**Question C1:**

In relation to the implications for Limited Partnerships, do you have any comments on the proposals?

**Response: Same as response to A1**

### **Implications of the proposed changes for information on LPs maintained by the Registrar of Companies:**

**Question C2:**

Do you have any views on the intended approach relating to the filing with, and maintenance by, the Registrar of Companies of address details of a partner in a Limited Partnership?

**Response: Same as response to A2**

**Implications of the proposed changes for information on Register of Business names maintained by the Registrar of Companies:**

**Question C3:**

**Do you have any views on the intended approach relating to the filing with, and maintenance by, the Registrar of Companies of address details of a person registering a business name?**

**Response: Same as response to A3**

**Restricted access to the “usual residential address” for an LP and a registered business name:**

**Question C4:**

**Do you have any views on the proposed list of entities that may be granted access to the “usual residential address” of a partner of a Limited Partnership or a registered business name applicant?**

**Response: Same as response to A4**

**Question C5:**

**Are there any other comments you wish to make on the proposed approach to dealing with the “usual residential address” of a partner of a Limited Partnership or a registered business name applicant?**

**Response: Same as response to question A4**

### **Freedom of Information Act 2014 and Publication of Submissions**

Your attention is drawn to the fact that information provided by you in submissions is subject to release by the Department under the Freedom of Information Act 2014. In responding to

this public consultation, all individuals and organisations should clearly indicate where their submission contains personal information, commercially sensitive information, or confidential information which they would not wish to be made publicly available by being published on the Department's website or released by the Department pursuant to the receipt of an FOI Request under the Freedom of Information Act 2014.

### **General Data Protection Regulation (GDPR) and Data Protection Acts 1988 to 2018**

The Department of Enterprise, Tourism and Employment is subject to the provisions of the GDPR and Data Protection Acts 1988 to 2018. In this context, the Department will treat all personal information which you provide in submissions as part of this public consultation process with the highest standards of security in line with our data protection compliance requirements. We would like to draw your attention to the Department's Data Protection Privacy Notice which is available on our website and explains how and when we collect personal data, why we do so and how we treat this information. It also explains your rights in relation to the collection of your personal information and how you can exercise your rights under data protection laws.

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