



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: Should the restrictions on access to the usual residential addresses of company officers be implemented, which they should not (see question A4), then an alternative means of unique identification should be provided to ensure the work of journalists covering companies and their officers can continue. This could, for example, take the form of requiring company officers to file a passport photo of themselves, which media organisations would be allowed to publish, as a form of unmistakable identification.

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: Should the restrictions on access to the usual residential addresses of company officers be implemented, which they should not (see question A4), then an alternative means of unique identification should be provided to ensure the work of journalists covering companies and their officers can continue. This could, for example, take the form of requiring company officers to file a passport photo of themselves, which media organisations would be allowed to publish, as a form of unmistakable identification.

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: Journalists and media publishers should retain unrestricted access to this data. This is a crucial point of identification required to ensure accurate reporting of business matters as detailed under question A4. The Government should also use any reform in this area as an opportunity to restore access to the RBO register for journalists, as this has severely restricted our ability to report on business matters.

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: It is essential that this data remains accessible to journalists, as directly illustrated by three examples from my own reporting for *The Currency* detailed below. Any restriction would pose a direct threat both to the ability of media to cover business matters, and to the reputation of company officers and their namesakes because this would exponentially increase the risk of confusion between people of the same name.

1. The first published version of the attached article from *The Currency*, “Revealed: The 23 Dublin landlords paid millions for homeless accommodation”, named Kevin Farrell (38) of Ryevale Lawns in Leixlip, Co Kildare as one of the officers controlling the Forbairt group, which received €10m in annual State payments for homeless accommodation services. I was contacted by Kevin O’Farrell, also a resident of Ryevale Lawns, who complained of being asked by members of the public about his involvement in Forbairt when he had none. Thanks to the full address available from CRO records for Kevin Farrell, I was able to verify that he and Kevin O’Farrell did live a few doors apart on the same street and to make the following update to the article: “The companies have no connection to Kevin O’Farrell, a different person at a neighbouring address.”
2. The attached article “Multiple identities and a contested €2m wage subsidy claim: The curious insolvency of a Dublin transport company” exposed the business history of Bill Henry and Stewart Alexander, the owners of Boxer Logistics Ltd. They have since fled to England and been disqualified as company directors for 14 years following a €12.4m judgment amid accusations of defrauding Revenue and purchasing a home with company funds.

I reported that Henry and Alexander had in fact opened and closed a series of 30 businesses since at least 2013, using different aliases and

birth dates. Their residential addresses formed an essential link in the chain of evidence that allowed me to trace their repeated insolvency history through otherwise misleading filings of personal details. Without access to this information, I could not have informed the thousands of members of the business community who read *The Currency* about the risk of doing business with these two men.

3. Widespread media coverage of the high-profile judicial review of Metrolink's railway order by residents of the Dartmouth Square area of Dublin in early December included reporting of Kalamunda Unlimited's participation in the legal action, a company owned by businesswoman Sharon McCabe. This included my reporting in *The Currency* (attached). While Kalamunda has a business address in a Dublin 8 office block, which would undoubtedly become McCabe's published contact address under proposed new rules, the residential address filed by McCabe as director of the company is on Dartmouth Square. This was the only way for journalists to establish her interest in judicial review proceedings. Kalamunda has since been reported to have withdrawn its support for the judicial review. McCabe has also resigned as director of the holding company for St Vincent's Hospital amid the controversy. Restricting access to company officers' residential addresses would shield from scrutiny those who hide behind their companies to object to public-interest developments and would be in direct contradiction with the Government's stated policy that there should be consequences for people taking such actions.

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: Journalists and media publishers should retain unrestricted access to this data. This is a crucial point of identification required to ensure accurate reporting of business matters as detailed under question A4. The Government should also use any reform in this area as an opportunity to restore access to the RBO register for journalists, as this has severely restricted our ability to report on business matters.

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: Should the restrictions on access to the usual residential addresses of co-op officers be implemented, which they should not (see question A4), then an alternative means of unique identification should be provided to ensure the work of journalists covering companies and their officers can continue. This could, for example, take the form of requiring company officers to file a passport photo of themselves, which media organisations would be allowed to publish, as a form of unmistakable identification.

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: Journalists and media publishers should retain unrestricted access to this data. This is a crucial point of identification required to ensure accurate reporting of business matters as detailed under question A4. The Government should also use any reform in this area as an opportunity to restore access to the RBO register for journalists, as this has severely restricted our ability to report on business matters.

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: It is essential that this data remains accessible to journalists. The examples illustrated in response to question A4 would raise the same issues if the organisations concerned were co-ops.

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: Limited Partnerships are already an opaque form of business registration, allowing partners to remain almost entirely anonymous. Any reform in this area should go only in one direction, which is to increase transparency by aligning the level of publicly accessible information with that of companies.

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: Limited Partnerships are already an opaque form of business registration, allowing partners to remain almost entirely anonymous. Any reform in this area should go only in one direction, which is to increase transparency by aligning the level of publicly accessible information with that of companies.

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: Limited Partnerships are already an opaque form of business registration, allowing partners to remain almost entirely anonymous. Any reform in this area should go only in one direction, which is to increase transparency by aligning the level of publicly accessible information with that of companies.

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: Journalists and media publishers should retain unrestricted access to this data. This is a crucial point of identification required to ensure accurate reporting of business matters as detailed under question A4. The Government should also use any reform in this area as an opportunity to restore access to the RBO register for journalists, as this has severely restricted our ability to report on business matters.

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: The residential addresses of registered business name applicants are the only form of identity verification available when the applicant is a sole trader. This was instrumental, for example, in my work piecing together the history of disqualified directors Bill Henry and Stewart Alexander as detailed in response to question A4. Any access restriction to this data would only shield fraudulent business people in their use of Irish registered business names.

More generally, the proposed restrictions to access by journalists of company officers' data in this public consultation would increase a broad range of risks:

- For journalists, that they may face legal action by people misidentified as a result of missing data;
- For company officers, that they may be publicly mistaken for other people as a result of missing data;
- For members of the public, that they may be publicly mistaken for company officers as a result of missing data;
- For the Government, that legal action in any of the above situations may include claims against the State for having caused the lack of data resulting in misidentification;
- For all stakeholders above, that the current proposed changes may be seen as a first step and result in further restrictions to access of identification information in the future, such as dates of birth, therefore exacerbating the risks listed above and further restricting journalists' ability to perform their duties.

Finally, it is worth noting that the proposed changes in this public consultation result from proposals from the Company Law Review Group (CLRG), whose members did not include any representatives of business media, transparency advocates, or consumer groups. They can therefore be assumed to ignore the needs of the public in terms of access to information, and they need to be

carefully balanced against submissions like this one, which appear to be the only channel to convey transparency requirements in this process.

While the scope of the CLRG's work was to "report on the Review of the provisions pertaining to the disclosure of an officer's residential addresses having regard to company transparency requirements and GDPR", its recommendations appear to fall entirely outside this scope.

On the one hand, there is no apparent consideration for company transparency requirements in its recommendations.

On the other hand, there is no reference to GDPR in the CLRG's recommendations either. As clearly enshrined by now in precedent in other areas, such as Freedom of Information law, GDPR has its own enforcement mechanisms and it does not trump other areas of law, especially those ensuring transparency. If access to company officers' residential addresses was in breach of GDPR, it would have been challenged under GDPR by now. The absence of GDPR reference in both the CLRG's recommendations and in the Department's proposals in this public consultation confirm that, if implemented, they would add to the "gold-plating" of EU regulation denounced by the Draghi report, which the Irish Government officially agrees with.

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.

November 2025