



Legislative Instrument

Director Identification Number Laws (Application) Data Standard 2021

I, Chris Jordan, Commissioner of Taxation, in my capacity as the Registrar, make this instrument under the following provisions:

- section 1270G of the *Corporations Act 2001* for the purposes of Part 9.1A of the *Corporations Act 2001*; and
- section 13 of the *Commonwealth Registers Act 2020* for the purposes of Part 6-7A of the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*.

Chris Jordan
Registrar

Draft published 9 November 2021

1. Name of instrument

This instrument is the *Director Identification Number Laws (Application) Data Standard 2021*.

2. Commencement

This instrument commences on the day after it is registered on the Federal Register of Legislation.

3. Application

This instrument is made under section 1270G of the *Corporations Act 2001* and section 13 of the *Commonwealth Registers Act 2020* and provides for a data standard relating to the application for director ID for the purpose of subsection 1272A(4) of the *Corporations Act 2001* and subsection 308-10(4) of the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*.

4. Definitions

Note: Paragraph 13(1)(b) of the *Legislation Act 2003* has the effect that expressions have the same meaning in this instrument as in the *Commonwealth Registers Act 2020*, *Corporations Act 2001* and the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* as in force from time to time.

In this instrument:

director ID means director identification number.

director ID information means all protected information collected in connection with the functions or powers of the Registrar under Part 9.1A of the *Corporations Act 2001* and Part 6-7A of the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* including but not limited to, the director ID, information collected in an application for a director ID under section 1272A of the *Corporations Act 2001* or section 308-10 of the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*, and updated or corrected information in respect of the individual provided to the Registrar.

eligible officer

- (a) has the same meaning as in section 1272B of the *Corporations Act 2001* for a director ID application made under that Act; and
- (b) has the same meaning as in section 308-15 of the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* for a director ID application made under that Act.

individual has the same meaning as in the *Acts Interpretation Act 1901*.

Registrar means the Commonwealth body appointed under:

- (a) section 1270 of the *Corporations Act 2001*; and
- (b) section 6 of the *Commonwealth Registers Act 2020* and referred to as the Commonwealth Registrar under section 694-120 of the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*.

5. What information may be required, requested and collected

- (1) For the purposes of giving an individual a director ID or to update that individual's director ID information the Registrar may require and collect the following information:
 - (a) the individual's names and any former names;
 - (b) the individual's addresses and any former addresses;
 - (c) the individual's contact details; and
 - (d) the individual's date and place of birth.
- (2) For the purposes of giving an individual a director ID or to update that individual's director ID information the Registrar may request, but not compel, the individual's tax file number.
- (3) For the purpose of establishing a person's identity the Registrar may request and collect identity documents or information evidencing the individual's identity.
- (4) If the Registrar is not satisfied that the individual's identity has been established from the information provided, the Registrar may request and collect other information necessary to establish the individual's identity.
- (5) If the:
 - (a) individual is unable to provide the information required or requested under subsections 5(1), (2) and (3) of this instrument; and
 - (b) the Registrar considers it reasonable in the individual's circumstances, the Registrar may establish the individual's identity in another manner, which may include verification of the individual's identity by third parties known by the individual.

6. How the Registrar may collect information

- (1) The Registrar may collect information electronically.

- (2) If an individual is unable to provide information electronically, the Registrar may collect information in another way, such as through a paper form.

7. How an individual is to apply for a director ID

- (1) An individual must make an application for a director ID through the electronic platform provided by the Registrar or in the form approved by the Registrar.
- (2) An application for a director ID must be made by the individual to whom the application relates. An application must not be made by another person on behalf of the individual, unless the Registrar is satisfied that the individual is unable to make the application on their own behalf.

Note: Subsection 14(4) of the *Legislation Act 2003* applies to any forms made under this subsection.

8. When information is given to the Registrar

- (1) An individual must provide to the Registrar the information required under section 5 of this instrument at the time of applying for a director ID.

Note 1: The time in which an individual is required to have a director ID under the *Corporations Act 2001* is set out in section 1272C of the *Corporations Act 2001* (subject to section 1653 of the *Corporations Act 2001*) and may be extended under section 1272E of the *Corporations Act 2001*.

Note 2: The time in which an individual is required to have a director ID under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* is set out in section 308-20 (subject to item 9 in Schedule 1 to the *Treasury Laws Amendment (Registries Modernisation and Other Measures) Act 2020*) of the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* and may be extended under section 308-30 of the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*.

- (2) An individual who has a director ID may request the Registrar to update the following:
 - (a) the individual's name;
 - (b) the individual's addresses; and
 - (c) the individual's contact details.
- (3) An individual, who has a director ID must inform the Registrar of any errors or corrections to the information provided under section 5 of this instrument.

9. How the Registrar uses the information

- (1) The Registrar may use director ID information collected to establish the identity of the individual for the purposes of giving the individual a director ID and maintaining the accuracy of director ID information.
- (2) The Registrar may make a record of information collected or generated in the course of processing the individual's director ID application or subsequent updates or corrections of the director ID information.

Note: Information collected under this data standard is "protected information" within the meaning of section 9 of the *Corporations Act 2001* and section 5 of the *Commonwealth Registers Act 2020* and is subject to the secrecy and disclosure provisions in Part 9.1 of the *Corporations Act 2001* and Part 4 of the *Commonwealth Registers Act 2020*.

- (3) The Registrar may confirm that the information provided by an individual in an application for a director ID or an update or correction is correct by validating, verifying or authenticating information collected and stored by the Registrar.
- (4) The Registrar may use the director ID information for the performance of the Registrar's functions and exercise of the Registrar's powers, which may include the Registrar facilitating the director or associated entities to meet their obligations under

the *Corporations Act 2001* and the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*.

10. How the Registrar must record and store information

The Registrar must record and store information provided to, or other information generated by, the Registrar in a secure environment.

Note: Records Authorities may be issued by the National Archives of Australia in accordance with the *Archives Act (1983)*.

11. How the Registrar may correct information held by the Registrar

The Registrar may correct any information recorded and held relating to an individual's director ID if the Registrar has reason to believe the information is incorrect.

12. Communication

- (1) Generally, the Registrar will communicate electronically with individuals, who provide information to the Registrar, unless the individual cannot communicate electronically.
- (2) An individual who has applied for a director ID can access information provided to the Registrar in relation to their director ID.
- (3) Generally, other persons who are permitted by law to access information in relation to a director ID will access this information electronically.

13. Signed Declaration

An individual who makes an application for a director ID must provide a signed declaration that:

- (a) the individual is the applicant identified in the application;
- (b) information provided in the application is true and correct;
- (c) the individual is an eligible officer, or intends to become an eligible officer within 12 months of applying for a director ID; and
- (d) the individual does not already have a director ID, or the individual has been directed by the Registrar to apply, or apply again, for a director ID.

Note: A person may commit an offence if the person knowingly gives false or misleading information (see section 1308 of the *Corporations Act 2001*, section 561-1 of the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* and section 137.1 of Schedule 1 to the *Criminal Code Act 1995*).

14. Repeals

This instrument repeals *Corporations Director Identification Number Data Standard 2021* (F2021L00454) registered on 16 April 2021.