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## Legislative Instrument

# Corporations (Director Identification Number) Disclosure Framework (PGPA Bodies, Courts and Tribunals) 2021

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I, Chris Jordan, Commissioner of Taxation, in my capacity as the Registrar, make this disclosure framework instrument under section 1270K of the *Corporations Act 2001*.

Chris Jordan  
Registrar  
Dated: 15/04/2021

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### 1. Name of instrument

This instrument is the *Corporations (Director Identification Number) Disclosure Framework (PGPA Bodies, Courts and Tribunals) 2021*.

### 2. Commencement

This instrument commences on the later of:

- (a) The day after it is registered on the Federal Register of Legislation; and
- (b) the day on which Part 9.1A of the *Corporations Act 2001* (Corporations Act) commences.

### 3. Application

This instrument is made under section 1270K of the Corporations Act and relates to the disclosure of protected information that is Director Identification Number (director ID) information or is related or connected to director ID information.

### 4. Simplified outline of the Disclosure Framework

Protected information is protected from unauthorised use under section 1270L of the Corporations Act.

There are circumstances, such as the efficient operation of Government, where the director ID information may be shared with other agencies within Government.

The Act provide circumstances in which recordings or disclosures of protected information are authorised. This disclosure framework instrument sets out additional circumstances in which the director ID information may be disclosed. It provides a framework which creates an appropriate level of disclosure where the benefits of disclosure outweigh the risks, and balances the protection of director ID information with the efficient administration of the legislation.

Broadly speaking:



- (a) information can be disclosed to some, but not all, government agencies for the performance of their functions (these recordings or disclosures are covered under section 1270L of the Corporations Act); and
- (b) other disclosures to government agencies not covered under section 1270L of the Corporations Act are dealt with by this disclosure framework instrument, which is a disallowable instrument made by the Registrar.

## 5. Definitions

(1) In this instrument:

**director ID** means Director Identification Number

**director ID information** means all protected information in connection with the functions or powers of the Registrar under Part 9.1A of the Corporations Act including but not limited to, the director ID, information collected in an application for a director ID and updated or corrected information in respect of the individual provided to the Registrar.

**PGPA body** means an entity or company which is not a government entity within the meaning of section 9 of the Corporations Act, but which is a Commonwealth entity or Commonwealth company within the meaning of the *Public Governance, Performance and Accountability Act 2013*.

(2) All other terms take their meanings from the Corporations Act unless otherwise stated.

## 6. Disclosure of director ID information to PGPA bodies, courts or tribunals.

(1) Subject to section 7 of this instrument, the disclosure of director ID information to a person for use, in the course of the performance of duties of the person's official employment, in relation to the performance or exercise of the functions or powers of a PGPA body, is in accordance with this instrument and is therefore authorised by paragraph 1270L(3)(f) of the Corporations Act.

(2) Subject to section 1270Q of the Corporations Act, the disclosure of director ID information to a court or tribunal is in accordance with this instrument and is therefore authorised by paragraph 1270L(3)(f) of the Corporations Act.

(3) The disclosure of director ID information under subsections 6(1) and (2) of this instrument will not require payment of a fee and will generally be provided electronically.

(4) This instrument applies to persons who, but for paragraph 1270L(3)(f) of the Corporations Act and the operation of the instrument, subsection 1270L(1) of the Corporations Act would apply.

(5) the disclosure of director ID information in accordance with this instrument is permitted however, nothing in this instrument requires the disclosure of director ID information.

## 7. Other matters

Individuals making an application under subsection 1270N(1) of the Corporations Act to not disclose director ID information that may be disclosed to PGPA bodies, courts or tribunals under this



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instrument, must demonstrate how the detrimental consequence to the individual of disclosure outweighs the ability of PGPA bodies, courts or tribunal performing their functions.