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## Legislative Instrument

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# Corporations Director Identification Number Data Standard 2021

I, Chris Jordan, Commissioner of Taxation in my capacity as the Registrar, make this data standard under section 1270G for the purposes of Part 9.1A of the *Corporations Act 2001*.

**Chris Jordan**

Registrar

Dated: 15/04/2021

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### 1. Name of instrument

This data standard is the *Corporations Director Identification Number Data Standard 2021*.

### 2. Commencement

This data standard 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* commences.

### 3. Application

This data standard applies from the day after the Registrar is appointed to perform functions and powers in connection with Part 9.1A of the Corporations Act.

### 4. What this Data Standard is about

This data standard provides details on the application for and the giving of a Director Identification Number (Director ID) including; what information the Registrar may require or request in an application, how the Registrar can collect information, the manner and form in which information is to be given to the Registrar, when information is to be given to the Registrar, how the Registrar uses and stores and may correct the information, how the Registrar will communicate with individuals, and confirming review rights for decisions made under this data standard.



## **5. Definitions**

In this data standard all terms take their meanings from the *Corporations Act 2001* (Corporations Act) unless otherwise stated.

*director ID* means Director Identification Number.

*director ID information* means information associated with an individual's director ID including but not limited to, the director ID, information collected in an application for a director ID and updated or corrected information provided to the Registrar in respect of the individual.

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

## **6. What information may be requested and collected in an application for a director ID**

- (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 former names;
  - (b) the individual's addresses and former addresses;
  - (c) 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 under subsections (1), (2) and (3) of this instrument, the Registrar may request and collect other information necessary to establish the individual's identity.

## **7. How the Registrar may collect information**

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

## **8. 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.

## **9. When information is to be given to the Registrar**

(1) An individual must provide to the Registrar the information required under section 6 of this instrument at the time of applying for a director ID.

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

(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 contact details.

(3) An individual who has a director ID must inform the Registrar of any errors or corrections to the information under subsection 6(1) of this instrument.

## **10. How the Registrar uses the information**

(1) The Registrar may use director ID information collected under sections 6 and 9 of this instrument 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 8 of the Corporations Act and is be subject to the secrecy and disclosure provisions in Part 9.1 of the Corporations Act.

(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 and 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 in meeting obligations under the Corporations Act.



## **11. 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 (NAA) in accordance with the *Archives Act (1983)*.

## **12. 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.

## **13. 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) Other persons who are permitted by law to access information in relation to a director ID must access this information electronically.

## **14. Declaration**

An individual who makes an application for a director ID must declare 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 and section 137.1 of the Criminal Code).

## **15. Review of certain decisions**

- (1) An individual adversely affected by a decision within the meaning of the *Administrative Appeals Tribunal Act 1975* made under this data standard may apply for review of a decision in accordance with section 1317B of the Corporations Act.