

On 9 May 2006, the pharmaceuticals company GlaxoSmithKline (GSK) obtained an injunction to prevent unnamed people disclosing personal information about GSK shareholders. The injunction, which attracted widespread publicity, was a response to a campaign by animal rights activists. The activists, whose focus is the Huntingdon Life Sciences animal testing laboratories in Cambridgeshire, targeted GSK shareholders because the company uses the results of such testing for its products.

The Campaign Against Huntingdon Life Sciences group wrote letters to shareholders warning them that, if they did not sell their shares within 14 days, their details would be posted on the internet. The threats were of particular concern in view of the lengths to which some animal rights extremists have proved willing to go. The targeting of individual shareholders was possible because the names and addresses of all shareholders of limited companies are held on a publicly accessible register maintained at Companies House.

Public data and private lives

This case highlights the tension between maintaining public registers and protecting privacy rights. A number of developments have made the old-style public registers increasingly untenable:

- the internet and electronic communications technology have made information easier to access and distribute;
- privacy rights are increasingly valued and, to a certain extent, enshrined in law; and
- activists, particularly in the animal rights arena, are using personalised and targeted campaigns, making the misuse of data more likely.

Directors' data

Although the GSK case concerned shareholder data, rather than director data, similar issues led the government to change the law on access to company directors' data a few years ago. The names and addresses of all company directors were maintained at a publicly accessible register at Companies House.

Confidentiality orders

After the Companies (Particulars of Usual Residential Address) (Confidentiality Orders) Regulations 2002 (SI 2002/912), brought in to allay fears of extremists targeting company directors, the position has changed. The principle remains that names and addresses must be lodged at Companies House, however, in

Registered targets

Against a backdrop of animal rights activism, the government has sought to allay fears about extremists targeting company directors. **Robert Steadman** reports

- company law and data protection measures
- the Electoral Register—edited versus full version

circumstances where a director can show that s/he, or another person living at the same address, would face the risk of violence or intimidation should the name and address be publicised, these details will be removed from the public register. The procedure involves an application to the Secretary of State for Trade and Industry for a confidentiality order, which, if granted, will last for five years and may be renewed on further application. Even where a confidentiality order is granted, the name and address of the director concerned will still be held on a secure confidential register available for appropriate use by police and regulatory bodies.

Shareholders' data

The government had already started to take steps to protect shareholder data before the GSK injunction brought the issue into such sharp focus. The Company Law Reform Bill, s 116 provides that the right to inspect the register of shareholders names and addresses is subject to a restriction. Any company that receives a request for such data may apply to court for an order that the request has not been made for a proper purpose and, if successful, need not comply with the request.

The proposed company law change is one of a set of measures put in place by the government to protect people targeted by animal rights activists, another example being the Serious Organised Crime and Police Act 2005.

Electoral Register uses and abusers

The Electoral Register (the register) has been the most comprehensive public database of personal data in the UK. It contains the names and addresses of over 95% of all adults eligible to vote.

Until recently the register was fully public and could be used for any reason, subject to the law. During the latter half of the 20th century the register was used for a number of purposes unconnected with election voting, including: crime prevention, identity checks,

credit referencing, debt tracing and direct marketing. The position changed at the start of the 21st century, when restrictions were placed on the use of such data. It was marketing campaigns, rather than the actions of animal rights activists, which led to a change in the law.

For example, an aggrieved recipient of junk mail brought judicial review proceedings (see *R (on the application of Robertson) v City of Wakefield Metropolitan Council* [2001] EWHC Admin 915, [2001] All ER (D) 243 (Nov)) to challenge the law which allowed companies to use his personal data, as maintained on the register, to send such materials to him. The court upheld his challenge on the basis that the law was incompatible with individuals' rights to prevent data being used for such purposes under the Data Protection Act 1998.

Different versions for different users

The Representation of the People (England and Wales) (Amendment) Regulations 2002 (SI 2002/1871) achieved this objective by creating two versions of the register:

- an edited version of the register, which any person could choose to be excluded from; and
- the full version, in which all registered voters would be included.

The edited version is available for any lawful uses, including for direct marketing purposes. However, the full version is now subject to strict controls over which organisations may use/purchase the data and for what purposes. Other than the electoral related uses, the key purposes for which the full register may now be used include: crime prevention, employee vetting, credit referencing and money laundering checks.

It seems that the era of the public register is over.

Robert Steadman is an associate at Addleshaw Goddard LLP